

MINUTES OF THE CITY COUNCIL

SAN JOSÉ, CALIFORNIA

TUESDAY, JUNE 25, 2002

The Council of the City of San José convened in regular session at 9:00 A.M. in City Council Chambers at City Hall.

Present: Council Members - Campos, Chavez, Cortese, Diquisto, LeZotte, Reed, Williams, Yeager; Gonzales.

Absent: Council Members - Dando, Shirakawa, Jr. (both excused).

Upon motion unanimously adopted, Council recessed at 9:05 A.M. to a Closed Session in Room 600 to confer with Legal Counsel pursuant to Government Code Section 54956.9; under Subsection (a) to discuss existing litigation in the cases of (1) In re Collins, (2) In re Grewohl, and (3) In re Bankruptcy of ANC Rental Corporation; and to discuss Public Employment/Public Employee Appointment Pursuant to Government Code Section 54957: Title: *Director of Parks, Recreation and Neighborhood Services.*

By unanimous consent, Council reconvened from the Closed Session and recessed at 10:55 A.M. and reconvened at 1:36 P.M. in the Council Chambers.

Present: Council Members - Campos, Chavez, Cortese, Dando, LeZotte, Reed, Shirakawa, Jr., Williams, Yeager; Gonzales.

Absent: Council Members - Diquisto (excused)

INVOCATION

Jennifer Hull, Children's Musical Theatre led in the invocation and introduced 3 vocalists who sang "Let's Hear It For The Boy". (District 6)

PLEDGE OF ALLEGIANCE

Mayor Gonzales led in the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Vice Mayor Shirakawa, Jr., seconded by Council Member Chavez, and unanimously carried, Item 4.2 was dropped, and the Orders of the Day and the Amended Agenda were approved. Vote: 10-0-1-0. Absent: Diquisto.

CEREMONIAL ITEMS

- 1.1 Presentation of plaque to Jay Ross for 4 years service on the Planning Commission. (Mayor)
(Rules Committee referral 6/19/02)**

Documents filed: None.

Discussion/Action: Council Member LeZotte joined Mayor Gonzales at the podium to present Jay Ross with the commendation.

- 1.2 Presentation of a commendation to Alexander Berger for recognition of his outstanding scholastic, youth, and community services achievements. (Chavez)
(Rules Committee referral 6/19/02)**

Documents filed: None.

Discussion/Action: Council Member Chavez joined Mayor Gonzales at the podium to present the commendation to Alexander Berger for his outstanding achievements and recognized him for his realization of the importance of skate parks for youths.

- 1.3 Presentation of a commendation to San José Fire Department Office of Public Education for their excellent programs. (Dando)
(Rules Committee referral 6/19/02)**

Documents filed: None.

Discussion/Action: Council Member Dando who presented the commendation to Fire Chief Alarcon, Captain Cheryl Faltersack and Sheri Busansky joined Mayor Gonzales at the podium. Fire Chief Alarcon also recognized Sheri Busansky for her outstanding contributions to the Senior Safety and Fall Prevention Program and presented her with the National Community Service Award from Fire House Magazine.

- 1.4 City Manager, Del D. Borgsdorf introduced Sara Hensley as the new Director of Parks, Recreation and Neighborhood Services.**

CONSENT CALENDAR

Upon motion by Vice Mayor Shirakawa, Jr., seconded by Council Member Chavez, and unanimously carried, the Consent Calendar was approved and the below listed items taken as indicated. Vote: 10-0-1-0. Absent: Diquisto.

2.2 Final adoption of ordinances:

- (a) **ORD. NO. 26657** – Amends in its entirety Chapter 5.06 of Title 5 of the San José Municipal Code to broaden the Director of Housing's authority to make adjustments, within defined parameters, to loans and grants previously approved by the City Council and other changes.

Documents filed: Proof of publication of title of Ordinance No. 26657, executed June 18, 2002, submitted by the City Clerk.

Discussion/Action: William Garbett spoke on the issue. Ordinance No. 26657 adopted. Vote: 10-0-1-0 Absent: Diquisto.

- (b) **ORD. NO. 26658** – Amends Section 19.38.320 of Chapter 19.38 of Title 19 of the San José Municipal Code to provide that any housing types not included in the most recent census data may be specified in a resolution of the City Council for purposes of calculating the Parkland Dedication and Park Impact Ordinances.

Documents filed: Proof of publication of title of Ordinance No. 26658, executed June 18, 2002, submitted by the City Clerk.

Discussion/Action: William Garbett spoke on the issue. Ordinance No. 26658 was adopted. Vote: 10-0-1-0 Absent: Diquisto.

- (c) **ORD. NO. 26659** – Adopts the Fifteenth Amended Century Center Redevelopment Plan, and makes certain findings.

Documents filed: None.

Discussion/Action: This Item was deferred to August 6, 2002.

- (d) **ORD. NO. 26660** – Amends the Julian-Stockton Redevelopment Plan, the Olinder Redevelopment Plan, the Century Center Redevelopment Plan, the San Antonio Plaza Redevelopment Plan, the Rincon de Los Esteros Redevelopment Plan, the Pueblo Uno Redevelopment Plan, the Edenvale Redevelopment Plan, the Guadalupe-Auzerais Redevelopment Plan, the Market Gateway Redevelopment Plan, the Alum Rock Avenue Redevelopment Plan, the East Santa Clara Street Redevelopment Plan, the Almaden Gateway Redevelopment Plan, the Story Road Redevelopment Plan, The Alameda Redevelopment Plan, the West San Carlos Street Redevelopment Plan, the Japantown Redevelopment Plan, the Monterey Corridor Redevelopment Plan, the Park Center Redevelopment Plan, the Civic Plaza Redevelopment Plan, the Neighborhood Business Clusters Redevelopment Plan, and the area added by the Fifteenth Amended Century Center Redevelopment Plan to effect the merger of said Redevelopment project areas, and makes certain findings.

2.2 Final adoption of ordinances: (Cont'd.)

(d) (Cont'd.)

Documents filed: None.

Discussion/Action: This Item was deferred to August 6, 2002.

- (g) **ORD. NO. 26666** - Amends Sections 3.48.030 and 3.48.040 of Chapter 3.28 and Section 3.50.030 of Chapter 3.50 of Title 3 of the San José Municipal Code to amend the City of San José Deferred Compensation Plan and the PTC 457 Plan to conform to the technical corrections to the Internal Revenue Code adopted by the Job Creation and Worker Assistance Act of 2002 (P.L. 107-147).

Documents filed: Proof of publication of title of Ordinance No. 26666, executed June 21, 2002, submitted by the City Clerk.

Discussion/Action: Ordinance No. 26666 was adopted. Vote: 10-0-1-0 Absent: Diquisto.

- (h) **ORD. NO. 26667** – Amends Section 4.78.020 of Chapter 4.78 of Title 4 of the San José Municipal Code to revise the definition of “cover material” for purposes of the disposal facility tax.

Documents filed: (1) Letter dated May 20, 2002, from Law Offices of Bruen & Burke, on behalf of International Disposal Corporation of California, Inc., (a subsidiary of Browning-Ferris Industries, Inc., or “BFI”), the owner of the Newby Island Landfill, opposing the proposed removal of the exemption for Alternative Daily Cover (ADC) from the City’s \$13 per ton Disposal Facility Tax. (2) Proof of publication of title of Ordinance No. 26667, executed June 21, 2002, submitted by the City Clerk.

Discussion/Action: Ordinance No. 26667 was adopted. Vote: 10-0-1-0 Absent: Diquisto.

- (i) **ORD. NO. 26670** – Amends Chapter 2.08 of Title 2 of the San José Municipal Code by amending Section 2.08.1630 to designate an attorney as one of the five members of the Campaign Finance Review and Ethics Board.

Documents filed: Proof of publication of title of Ordinance No. 26670, executed June 21, 2002, submitted by the City Clerk.

Discussion/Action: Ordinance No. 26670 was adopted. Vote: 10-0-1-0 Absent: Diquisto.

2.2 Final adoption of ordinances: (Cont'd.)

- (j) **ORD. NO. 26671 – Reappoints former Chair Alex Stuart to the Campaign Finance Review and Ethics Board (Ethics Board) to a temporary term on the Ethics Board unless a replacement member is appointed prior to December 31, 2002.**

Documents filed: Proof of publication of title of Ordinance No. 26671, executed June 21, 2002, submitted by the City Clerk.

Discussion/Action: Ordinance No. 26671 was adopted. Vote: 10-0-1-0 Absent: Diquisto.

- (k) **ORD. NO. 26672 – Repeals Sections 10.32.112 and 10.32.115 of Chapter 10.32 and Chapter 10.33 of Title 10 of the San José Municipal Code, the Saturday Night Special/Junk Gun Ordinance and accompanying trigger lock and safe storage literature requirements.**

Documents filed: Proof of publication of title of Ordinance No. 26672, executed June 21, 2002, submitted by the City Clerk.

Discussion/Action: Ordinance No. 26672 was adopted. Vote: 10-0-1-0 Absent: Diquisto.

- (l) **ORD. NO. 26675 - Amends Section 11.96.070 of Chapter 11.96 of Title 11 of the San José Municipal Code to add a prohibition of commercial vehicles in excess of 5 tons on Mc Kay Drive between Ringwood Avenue and Oakland Road, Wayne Avenue between Ringwood Avenue and Oakland Road, and on Hicks Avenue, between Minnesota Avenue and Curtner Avenue.**

Documents filed: Proof of publication of title of Ordinance No. 26675, executed June 21, 2002, submitted by the City Clerk.

Discussion/Action: Ordinance No. 26675 was adopted. Vote: 10-0-1-0 Absent: Diquisto.

- (m) **ORD. NO. 26676 – Establishes an Underground Utility District on Fourth Street, Fifth Street, Sixth Street from Saint John Street to Santa Clara Street, Seventh Street from Saint John Street to San Fernando Street, Santa Clara Street and San Fernando Street from Sixth Street to Seventh Street, and Saint John Street from Third Street to Seventh Street.**

Documents filed: Proof of publication of title of Ordinance No. 26676, executed June 21, 2002, submitted by the City Clerk.

Discussion/Action: William Garbett spoke on the issue. Ordinance No. 26676 was adopted. Vote: 10-0-1-0 Absent: Diquisto.

2.2 Final adoption of ordinances: (Cont'd.)

- (n) **ORD. NO. 26677 – Rezones certain real property situated on the easterly side of Highway 101, approximately 1,000 feet northerly of Hellyer Avenue. PDC 02-01-011**

Documents filed: Proof of publication of title of Ordinance No. 26677, executed June 21, 2002, submitted by the City Clerk.

Discussion/Action: Ordinance No. 26677 was adopted. Vote: 10-0-1-0 Absent: Diquisto.

- (o) **ORD. NO. 26678 –Rezones and prezones certain real property situated at the northwest corner of Samaritan Place and Samaritan Drive. PDC 01-05-063**

Documents filed: Proof of publication of title of Ordinance No. 26678, executed June 21, 2002, submitted by the City Clerk.

Discussion/Action: Ordinance No. 26678 was adopted. Vote: 10-0-1-0 Absent: Diquisto.

- (p) **ORD. NO. 26679 - Rezones certain real property situated at the southeast corner of Alum Rock Avenue and McCreery. PDC 02-029**

Documents filed: Proof of publication of title of Ordinance No. 26679, executed June 21, 2002, submitted by the City Clerk.

Discussion/Action: Ordinance No. 26679 was adopted. Vote: 10-0-1-0 Absent: Diquisto.

- (q) **ORD. NO. 26680 - Rezones certain real property situated at the east side of Capitol Avenue, approximately 100 feet northerly of Autumnvale Avenue. PDC 02-031**

Documents filed: Proof of publication of title of Ordinance No. 26680, executed June 21, 2002, submitted by the City Clerk.

Discussion/Action: Ordinance No. 26680 was adopted. Vote: 10-0-1-0 Absent: Diquisto.

- (r) **ORD. NO. 26681 - Rezones certain real property situated at the south side of West Virginia Street, approximately 200 feet westerly of Bird Avenue. PDC 01-019**

Documents filed: Proof of publication of title of Ordinance No. 26681, executed June 21, 2002, submitted by the City Clerk.

2.2 Final adoption of ordinances: (Cont'd.)

(r) (Cont'd.)

Discussion/Action: Ordinance No. 26681 was adopted. Vote: 10-0-1-0 Absent: Diquisto.

- (s) **ORD. NO. 26682 - Rezones certain real property situated at the southwest corner of Monterey Road and Curtner Avenue. PDC 01-03-048**

Documents filed: Proof of publication of title of Ordinance No. 26682, executed June 21, 2002, submitted by the City Clerk.

Discussion/Action: Ordinance No. 26682 was adopted. Vote: 10-0-1-0 Absent: Diquisto.

- (t) **ORD. NO. 26683 - Rezones certain real property situated at the southwest corner of Branham Lane and Vista Park Drive. PDC 01-04-052**

Documents filed: Proof of publication of title of Ordinance No. 26683, executed June 21, 2002, submitted by the City Clerk.

Discussion/Action: Ordinance No. 26683 was adopted. Vote: 10-0-1-0 Absent: Diquisto.

- (u) **ORD. NO. 26684 - Rezones certain real property situated at the east side of Dow Drive, approximately 250 feet northerly of Farm Drive. PDC 02-01-008**

Documents filed: Proof of publication of title of Ordinance No. 26684, executed June 21, 2002, submitted by the City Clerk.

Discussion/Action: Ordinance No. 26684 was adopted. Vote: 10-0-1-0 Absent: Diquisto.

- (v) **ORD. NO. 26685 - Rezones certain real property situated at the east side of Saratoga Avenue, approximately 400 feet southerly of Kiely Avenue. PDC 02-010**

Documents filed: Proof of publication of title of Ordinance No. 26685, executed June 21, 2002, submitted by the City Clerk.

Discussion/Action: Ordinance No. 26685 was adopted. Vote: 10-0-1-0 Absent: Diquisto.

- (w) **ORD. NO. 26686 - Rezones certain real property situated at the southwestern corner of Lewis Road and Wall Street. PDC 02-018**

2.2 Final adoption of ordinances: (Cont'd.)
(w) (Cont'd.)

Documents filed: Proof of publication of title of Ordinance No. 26686, executed June 21, 2002, submitted by the City Clerk.

Discussion/Action: Ordinance No. 26686 was adopted. Vote: 10-0-1-0 Absent: Diquisto.

(x) ORD. NO. 26687 - Rezones certain real property situated at the south side of Foxworthy Avenue, approximately 500 feet easterly of Old Almaden Road. PDC 02-025

Documents filed: Proof of publication of title of Ordinance No. 26687, executed June 21, 2002, submitted by the City Clerk.

Discussion/Action: Ordinance No. 26687 was adopted. Vote: 10-0-1-0 Absent: Diquisto.

(y) ORD. NO. 26688 - Rezones certain real property situated at the northwest corner of Aborn Road and future Murillo Avenue. PDC 02-043

Documents filed: Proof of publication of title of Ordinance No. 26688, executed June 21, 2002, submitted by the City Clerk.

Discussion/Action: Ordinance No. 26688 was adopted. Vote: 10-0-1-0 Absent: Diquisto.

(z) ORD. NO. 26689 - Rezones certain real property situated at the west side of Winchester Boulevard, approximately 200 feet northerly of Neal Avenue. PDC 02-044

Documents filed: Proof of publication of title of Ordinance No. 26689, executed June 21, 2002, submitted by the City Clerk.

Discussion/Action: Ordinance No. 26689 was adopted. Vote: 10-0-1-0 Absent: Diquisto.

(aa) ORD. NO. 26690 - Rezones certain real property situated at the east side of S. Ninth Street, approximately 100 feet southerly of Keyes Street. C 02-037

Documents filed: Proof of publication of title of Ordinance No. 26690, executed June 21, 2002, submitted by the City Clerk.

Discussion/Action: Ordinance No. 26690 was adopted. Vote: 10-0-1-0 Absent: Diquisto.

2.2 Final adoption of ordinances: (Cont'd.)

- (bb) ORD. NO. 26691 - Rezones certain real property situated at the south side of East Reed Street, 80 feet easterly of South 12th Street. PDC 02-045**

Documents filed: Proof of publication of title of Ordinance No. 26691, executed June 21, 2002, submitted by the City Clerk.

Discussion/Action: Ordinance No. 26691 was adopted. Vote: 10-0-1-0 Absent: Diquisto.

- (cc) ORD. NO. 26692 - Rezones certain real property situated at the west side of Ringwood Avenue, approximately 120 feet southerly of McKay Drive. PDC 02-049**

Documents filed: Proof of publication of title of Ordinance No. 26692, executed June 21, 2002, submitted by the City Clerk.

Discussion/Action: Ordinance No. 26692 was adopted. Vote: 10-0-1-0 Absent: Diquisto.

2.3 Approval of an ordinance amending Section 3.36.020.3 of Chapter 3.36 of Title 3 of the San José Municipal Code, Police and Fire Department Retirement Plan, to include incentive pay for Police Anti-Terrorist Training in Compensation and to clarify that Emergency Medical Technician Pay is included in Compensation for purposes of calculation of retirement benefits. CEQA: Not a project. (Board of Administration for the Police and Fire Department Retirement Plan)

Documents filed: Memorandum from the Board of Administration for the Police & Fire Department Retirement Plan, dated June 3, 2002, recommending approval of said ordinance.

Discussion/Action: William Garbett spoke on the issue. Ordinance No. 26693, entitled: "An Ordinance of the City of San José Amending Section 3.36.020.3 of Chapter 3.36 of Title 3 of the San Jose Municipal Code to Include Incentive Pay for Police Anti-Terrorist Training in Compensation and to Clarify the Emergency Medical Technician Pay is Included in Compensation for Purposes of Calculation of Benefits in the Police and Fire Department Retirement Plan", was passed for publication. Vote: 10-0-1-0. Absent: Diquisto.

2.4 Approval of staff's report on the implementation of approved Convention Center Garage Parking Rates, effective August 1, 2002, including parking access for library customers. CEQA: Not a project. (Conventions, Arts and Entertainment/Library/Transportation)

2.4 (Cont'd.)

Documents filed: (1) Memorandum from Library Director Jane Light, Director of the Department of Conventions, Arts and Entertainment Nancy Johnson, and Transportation Director Wayne Tanda, dated June 3, 2002, recommending approval of the Staff report on the implementation of approved Convention Center Garage Parking Rates. (2) Memorandum from Director of the Department of Conventions, Arts and Entertainment Nancy Johnson, dated June 19, 2002, recommending delay in implementation of new Convention Center Garage parking rates until August 1, 2002.

Discussion/Action: The Staff report on the implementation of approved Convention Center Garage Parking Rates effective August 1, 2002, including parking access for library customers, was approved. Vote: 10-0-1-0. Absent: Diquisto.

2.5 **Approval of an agreement with the Hispanic Chamber of Commerce to provide business services for the term July 1, 2002 through June 30, 2003, in an amount not to exceed \$104,000. CEQA: Not a project. (Economic Development)**

Documents filed: Memorandum from Director of Economic Development Paul Krutko, dated June 3, 2002, recommending approval of said amendment with the Hispanic Chamber of Commerce.

Discussion/Action: Council Member LeZotte requested a copy of the performance measures or a business plan for the Hispanic Chamber of Commerce. Council Member Campos recommended that the Council be provided quarterly performance reports at least for the first year. The agreement with the Hispanic Chamber of Commerce to provide business services was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diquisto.

2.6 (a) **Acceptance of the status report on the Watershed Grant Program;** (b) **Authorization for the Director of Environmental Services to continue the Watershed Grant Program to support watershed management and public participation; and** (c) **Approval of an agreement with the Silicon Valley Community Foundation to establish a donor-advised fund for Watershed Grant administration and disbursement in the amount of \$250,000, for the term July 1, 2002 through December 31, 2003.** **(Environmental Services)**

Documents filed: (1) Memorandum from Director of Environmental Services, Carl W. Mosher, dated June 3, 2002, recommending Council accept the Status Report on the Watershed Grant Program; authorize the Director of Environmental Services to continue the Watershed Grant Program to support watershed management and public participation; and approve an agreement with the Silicon Valley Community Foundation to establish a donor-advised fund for Watershed Grant administration and disbursement in the amount

2.6 (Cont'd.)

of \$250,000, for the term July 1, 2002 through December 31, 2003. (2) Letter from the Treatment Plant Advisory Committee dated June 13, 2002, stating concurrence with the Staff recommendation.

Discussion/Action: Council Member Cortese requested a detailed list of schools that participated in the educational grants program before the end of July to better assist with outreach to schools before the August 30 cutoff of this program. The actions recommended on the Staff report were approved and the status report was accepted, the agreement with the Silicon Valley Community Foundation was approved and the Director of Environmental Services authorized to continue the Watershed Grant Program. Vote: 10-0-1-0. Absent: Diquisto.

2.7 Approval of a second amendment to the agency agreement with the County of Santa Clara for the Countywide Household Hazardous Waste Collection Program, to update the drop-off service schedule and charges to small businesses, at no additional cost to the City. CEQA: Exempt, PP02-06-163. (Environmental Services)

Documents filed: Memorandum from Director of Environmental Services, Carl W. Mosher, dated June 3, 2002, recommending approval of a second amendment to said agreement with the County of Santa Clara.

Discussion/Action: The amendment to said agreement with the County of Santa Clara was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diquisto.

2.8 Approval of a first amendment to the agreement with Raines, Melton and Carella, Inc., for the development of recommendations for flow reduction programs related to the Water Pollution Control Plant's NPDES permit, increasing compensation by \$70,000, from \$95,000 to a total agreement amount not to exceed \$165,000. CEQA: Not a project. (Environmental Services)

Documents filed: Memorandum from Director of Environmental Services, Carl W. Mosher, dated June 3, 2002, recommending approval of a first amendment to said agreement with Raines, Melton and Carella, Inc.

Discussion/Action: The amendment to said agreement with Raines, Melton and Carella, Inc., was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diquisto.

2.9 Approval of a first amendment to the agreement with Economic and Social Opportunities Inc. (ESO) for an amount not to exceed \$1,000,000, to continue the San José Home Energy Bill Assistance and Energy Efficiency Program, and to extend the term of the agreement through June 2003, with no increase in total compensation, providing:

(Item continued on next page)

2.9 (Cont'd.)

- (a) Financial assistance for energy bill payments to eligible residents of San José as defined by the California Low Income Home Energy Assistance Program guidelines;**
- (b) Energy efficiency education, audits, and improvements to eligible San José residents as defined by the City of San José Community Development Block Grant guidelines.**

CEQA: Not a project. (Environmental Services)

Documents filed: Memorandum from Director of Environmental Services, Carl W. Mosher, dated June 3, 2002, recommending approval of a first amendment to said agreement with Economic and Social Opportunities, Inc.

Discussion/Action: The amendment to agreement with Economic and Social Opportunities, Inc., was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diquisto.

- 2.10 Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Diversified HealthCare Services to provide medical bill review services and preferred provider organization services at a cost not to exceed \$400,000, for the period July 1, 2002 to June 30, 2003, and authorizing the City Manager to exercise up to 4 one-year options to renew, at a cost not to exceed \$400,000 per year, subject to annual appropriation of funds by the City Council.**
- CEQA: Not a project. (Finance)**

Documents filed: Memorandum from Director of Finance Scott P. Johnson, dated June 3, 2002, recommending adoption of said resolution.

Discussion/Action: Resolution No. 71083, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with Diversified Healthcare Services to Provide Workers' Compensation Cost Containment Services for the Period of July 1, 2002 through June 30, 2003 and Authorizing the City Manager to Exercise up to Four One Year Options to Extend the Term, at a Cost Not to Exceed \$400,000 Per Year," was adopted. Vote: 10-0-1-0. Absent: Diquisto.

- 2.11 Approval of the first amendment to the general banking services agreement with Union Bank of California (UBOC):**

- (a) To increase the maximum annual compensation by \$150,000, from \$500,000 to a total agreement amount not to exceed \$650,000, for the period July 1, 2001 through June 30, 2002;**
- (b) To increase the maximum annual compensation, by \$250,000, from \$500,000 to a total agreement amount not to exceed \$750,000, for the period July 1, 2002 through June 30, 2003;**
- (c) To clarify the intent to allow UBOC to charge the City less than the maximum rates set forth in the agreement; and,**
- (d) To make a technical correction to exhibit references.**

CEQA: Not a project. (Finance)

2.11 (Cont'd.)

Documents filed: Memorandum from Director of Finance Scott P. Johnson, dated June 3, 2002, recommending approval of a first amendment to said agreement with Union Bank of California.

Discussion/Action: The amendment to said agreement with Union Bank of California was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diquisto.

2.12 Adoption of a resolution authorizing the Director of Finance to write-off uncollectible accounts receivable totaling \$651,179.40. CEQA: Not a project. (Finance)

Documents filed: Memorandum from Director of Finance Scott P. Johnson, dated June 3, 2002, recommending adoption of said resolution.

Discussion/Action: Resolution No. 71084, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Finance to Write Off Uncollectible Accounts", was adopted. Vote: 10-0-1-0. Absent: Diquisto.

2.13 Approval to purchase citywide insurance policies for the period July 1, 2002 to June 30, 2003, in an amount not to exceed \$2,820,500. CEQA: Not a project. (Finance)

Documents filed: Memorandum from Director of Finance Scott P. Johnson, dated June 21, 2002, recommending approval for said purchase of citywide insurance policies.

Discussion/Action: The purchase of citywide insurance policies was approved. Vote: 10-0-1-0. Absent: Diquisto.

**2.14 (a) Approval of the second amendment to the agreement with Fullerton & Friar, Inc. and Public Resources Advisory Group for general financial advisory services related to the Airport Master Plan, to extend the term of the agreement from July 1, 2002 to June 30, 2003, with no increase in compensation, and,
(b) Adoption of a resolution authorizing the City Manager to exercise the remaining two one-year options at no additional compensation.
CEQA: Resolution No. 67380. (Finance/Airport)**

Documents filed: Memorandum from Director of Finance Scott P. Johnson and Aviation Director Ralph G. Tonseth, dated June 3, 2002, recommending approval of a second amendment with Fullerton & Friar, Inc. and Public Resources Advisory Group.

Discussion/Action: The second amendment to said agreement with Fullerton & Friar, Inc. and Public Resources Advisory Group was approved and Resolution No. 71085, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to

2.14 (Cont'd.)

Execute the Remaining Two, One Year Options Extending the Term of the Agreement with Fullerton & Friar, Inc. and Public Resources Advisory Group at No Additional Compensation”, was adopted. Vote: 10-0-1-0. Absent: Diquisto.

- 2.15 (a) Approval of a Master Agreement for Reciprocal Automatic Aid between the San José Fire Department and Santa Clara County Fire Protection District.**
(b) Adoption of a resolution delegating authority to the Fire Chief to approve modification to the agreement with respect to Operational Procedures and Service Area designation.

CEQA: Not a project. (Fire)

Documents filed: Memorandum from Fire Chief Manual Alarcon, dated June 3, 2002, recommending approval of a Master Agreement for Reciprocal Automatic Aid between the San José Fire Department and Santa Clara County Fire Protection District and adoption of said resolution delegating authority to the Fire Chief to approve modification to the agreement with respect to Operational Procedures and Service Area designation.

Discussion/Action: The Master Agreement between the San José Fire Department and Santa Clara County Fire Protection District was approved, and Resolution No. 71086, entitled: “A Resolution of the Council of the City of San José Authorizing the Fire Chief to Approve Modifications to the Master Agreement for Reciprocal Automatic Aid with the Santa Clara County Fire Protection District Relating to Operational Procedures and Service Area Designations,” was adopted. Vote: 10-0-1-0. Absent: Diquisto.

- 2.16 Approval of an agreement with CLUB ONE, Inc. to provide a comprehensive Wellness Program for the San José Fire Department in an amount not to exceed \$211,100, for the period July 1, 2002 to June 30, 2003. CEQA: Not a project. (Fire)**

Documents filed: Memorandum from Fire Chief Manual Alarcon, dated June 3, 2002, recommending approval of said agreement with CLUB ONE, Inc.

Discussion/Action: The agreement with CLUB ONE, Inc., was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diquisto.

- 2.17 (a) Adoption of a resolution authorizing the City Attorney to negotiate and execute an agreement with West Publishing Corporation, doing business as Prolaw Software, to provide Legal Practice Management Software, technical consulting, implementation services, training, and annual maintenance, in an amount not to exceed \$163,680. (General Services/City Attorney's Office)**
(b) Adoption of a resolution authorizing the City Attorney to execute a three-year agreement with West Publishing Corporation, doing business as West Group, for the Westlaw online legal research service, in an amount not to exceed \$180,000. (City Attorney's Office)

CEQA: Not a project.

2.17 (Cont'd.)

Documents filed: (1) Memorandum from City Attorney Richard Doyle and Director of General Services Jose Obregon, dated June 13, 2002, recommending authorization for the City Attorney to execute said agreement with West Publishing Corporation, doing business as Prolaw Software. (2) Memorandum from City Attorney Richard Doyle, dated June 20, 2002, recommending authorization for the City Attorney to execute said agreement with West Publishing Corporation, doing business as West Group.

Discussion/Action: Resolution No. 71087, entitled: "A Resolution of the Council of the City of San José Authorizing the City Attorney to Negotiate and Execute an Agreement with West Publishing Corporation Doing Business as Prolaw Software to Provide Legal Practice Management Software, Training, Implementation and Maintenance Services"; and Resolution No. 71088, entitled: "A Resolution of the Council of the City of San José Authorizing the City Attorney to Execute a Three-Year Agreement with West Publishing Corporation Doing Business as West Group to Provide the Westlaw Online Legal Research Service," were adopted. Vote: 10-0-1-0. Absent: Diquisto.

- 2.18 (a) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2001-2002 #39, and authorization for the Director of General Services to execute the purchase orders.**
- (b) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2002-2003 #1, and authorization for the Director of General Services to execute the purchase orders.**
- (c) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2002-2003 #2, and authorization for the Director of General Services to execute the purchase orders.**

CEQA: Not a project. (General Services)

Documents filed: (1) Memorandum from Director of General Services Jose Obregon, dated June 3, 2002, recommending approval of said open purchase order List #39 for FY 2001-2002. (2) Memorandum from Director of General Services Jose Obregon, dated June 3, 2002, recommending approval of said open purchase orders Lists #1 and 2 for FY 2002-2003.

Discussion/Action: The award of open purchase orders List #39 for FY 2001-2002 and for Lists #1 and 2 for FY 2002-2003 were approved and the Director of General Services was authorized to execute the purchase orders. Vote: 11-0-0-0.

- 2.19 Report on bids and award the purchase of weapons and ammunition to L.C. Action Police Supply, for a total cost of \$107,057.08 including tax, and authorization for the Director of General Services to execute the purchase order. CEQA: Not a project. (General Services)**

Documents filed: Memorandum from Director of General Services, Jose Obregon, dated June 3, 2002, recommending award of said purchase to L.C. Action Police Supply, and authorization for the Director of General Services to execute the purchase order.

2.19 (Cont'd.)

Discussion/Action: The award of said purchase to L.C. Action Police Supply and authorization for the Director of General Services to execute the purchase order were approved. Vote: 10-0-1-0. Absent: Diquisto.

2.20 Report on bids and award the purchase of 140 Motorola Astro-Spectra W4 mobile radios, and conditionally award the purchase of 140 remote control cables for the Police Department to sole bidder, Motorola C & E, Inc., for a total cost not to exceed \$395,450.03 including tax and delivery, and authorization for the Director of General Services to execute a purchase order as follows:

- (a) Immediate purchase of 140 Motorola Astro-Spectra W4 mobile radios at a total cost of \$356,904.80 including tax and delivery; and**
- (b) The possible purchase of 140 remote control cables, if determined by the Director of General Services as necessary, at a total cost of \$38,545.23 including tax and delivery.**

CEQA: Not a project. (General Services)

Documents filed: Memorandum from Director of General Services, Jose Obregon, dated June 3, 2002, recommending award of said award purchase to the sole bidder, Motorola C & E, Inc., and authorization for the Director of General Services to execute said purchase order.

Discussion/Action: William Garbett spoke on this issue. The award of said purchase to the sole bidder, Motorola C & E, Inc., and authorization for the Director of General Services to execute said purchase order was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diquisto.

2.21 (a) Adoption of a resolution authorizing the Director of General Services to negotiate and execute an agreement with The Expo Group (TEG) for all account management services necessary to provide customer support and billing of electrical services for convention and tradeshow events at the San José Convention Facilities, for the period of July 1, 2002 through June 30, 2004, with maximum compensation not to exceed \$400,000 annually.

- (b) Approval to reject proposals for account management services and electrical labor management services at the Convention Center.**

CEQA: Not a project. (General Services/Conventions, Arts and Entertainment)

Documents filed: Memorandum from Director of General Services, Jose Obregon, and Director of the Department of Conventions, Arts and Entertainment, Nancy Johnson, dated June 3, 2002, recommending adoption of said resolution authorizing the Director of General Services to negotiate and execute an agreement with The Expo Group and approval to reject proposals for account management services and electrical labor management services at the Convention Center.

2.21 (Cont'd.)

Discussion/Action: Item 2.21(a) was dropped from the agenda and the rejection of proposals for account management services and electrical labor management services at the Convention Center was approved. Vote: 10-0-1-0. Absent: Diquisto.

2.22 Adoption of a resolution:

- (a) **To change salary ranges for the classifications of Principal Construction Inspector (3773), Supervising Environmental Services Specialist (8204), Executive Analyst I U (1631), and Executive Analyst II U (1636), effective June 25, 2002.**
- (b) **To change the job classification titles of:**
 - (1) **Engineer I (CE) UR (3817) to Engineer I;**
 - (2) **Civil Engineer I REG (3812) to Engineer I (Exempt);**
 - (3) **Engineer II (CE) UR (3818) to Engineer II;**
 - (4) **Civil Engineer II REG (3813) to Engineer II;**
- (b) **To change the job classification titles of:**
 - (5) **Associate Engineer (CE) UR (3819) to Associate Engineer;**
 - (6) **Associate Civil Engineer REG (3814) to Associate Engineer (Exempt);**
 - (7) **Senior Civil Engineer (3815) to Senior Engineer;**
 - (8) **Landscape Architect I UR (3858) to Structure/Landscape Designer I;**
 - (9) **Architect I (3841) to Architect/Landscape Architect I;**
 - (10) **Landscape Architect II UR (3842) to Structure/Landscape Designer II;**
 - (11) **Architect II (3852) to Architect/Landscape Architect II;**
 - (12) **Associate Landscape Architect UR (3855) to Associate Structure/Landscape Designer;**
 - (13) **Associate Architect (3843) to Associate Architect/Landscape Architect; and,**
 - (14) **Senior Architect (3844) to Senior Architect/Landscape Architect.**

CEQA: Not a project. (Human Resources)

Documents filed: Memorandum from Acting Director of Human Resources, Kay Winer, dated June 3, 2002, recommending adoption of said resolution.

Discussion/Action: Resolution No. 71089, entitled: "A Resolution of the Council of the City of San José Amending the City of San José Pay Plan to Change Salary Ranges and Job Specification Titles for Various Classifications," was adopted. Vote: 10-0-1-01. Absent: Diquisto.

2.23 Adoption of a resolution authorizing the City Manager to execute a contract with The Standard Insurance Company to provide the life insurance program for City employees, retirees, and dependents for the period July 1, 2002 through June 30, 2006, at rates not to exceed the following:

- (a) **Basic Life: \$0.27 per \$1,000 of coverage per month;**

(Item continued on next page)

2.23 (Cont'd.)

- (b) Supplemental Life: \$0.28 per \$1,000 of coverage per month;**
 - (c) Retiree Life: \$0.25 per \$1,000 of coverage per month; and,**
 - (d) Dependent Life: \$0.25 per \$1,000 of coverage per month.**
- CEQA: Not a project. (Human Resources)**

Documents filed: Memorandum from Acting Director of Human Resources, Kay Winer, dated June 3, 2002, recommending adoption of said resolution.

Discussion/Action: Resolution No. 71090, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with the Standard Insurance Company to Provide a Life Insurance Program at Specified Rates," was adopted. Vote: 10-0-1-0. Absent: Diquisto.

2.24 Adoption of a resolution authorizing the City Manager to execute three agreements with Managed Health Network (MHN) to provide Employee Assistance Program services for the term July 1, 2002 through June 30, 2006, with a combined value not to exceed \$710,000 for FY 2002-2003, for the following:

- (a) Non-Sworn Employee Assistance Program;**
- (b) Sworn Employee Assistance Program; and,**
- (c) Critical Incident Stress Management.**

CEQA: Not a project. (Human Resources)

Documents filed: Memorandum from Acting Director of Human Resources, Kay Winer, dated June 3, 2002, recommending adoption of said resolution.

Discussion/Action: Resolution No. 71091, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Three Agreements with Managed Health Network (MHN) to Provide the Employee Assistance Program Services for City Employees for a Combined Total Value in an Amount Not To Exceed \$710,000 for 2002-03," was adopted. Vote: 10-0-1-0. Absent: Diquisto.

2.25 Adoption of a resolution authorizing the City Manager to negotiate and execute the first amendment to an agreement with Mount Pleasant School District, for the development of facilities at Mount Pleasant Elementary School to be operated as a San José Smart Start Early Childhood Development Center, for a term from the date of execution to June 30, 2011, in an amount not to exceed \$430,400. CEQA: Exempt, PP02-06-141. Council District 5. SNI: East Valley/680 Communities. (Parks, Recreation and Neighborhood Services)

Documents filed: Memorandum from Acting Director of Parks, Recreation and Neighborhood Services, Albert Balagso, dated June 6, 2002, recommending adoption of said resolution.

2.25 (Cont'd.)

Discussion/Action: Resolution No. 71092, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a First Amendment to an Agreement with Mount Pleasant School District for the Development of Facilities for San Jose Smart Early Childhood Development Center", was adopted. Vote: 10-0-1-0. Absent: Diquisto.

- 2.26 Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with San José Arena Management for the operation and maintenance of the Carousel, Children's Play Areas and Restrooms in the Arena Green area of the Guadalupe River Park and Gardens for a term of three years, with an option for a one additional year extension, at a cost to the City not to exceed \$136,022 per year. CEQA: Not a project. (Parks, Recreation and Neighborhood Services)**

Documents filed: Memoranda from Acting Director of Parks, Recreation and Neighborhood Services, Albert Balagso, dated June 3 and June 24, 2002, recommending adoption of said resolution.

Discussion/Action: Council Member Chavez commented that the City's benchmark or measurement of maintenance should be the standard for all parks. Resolution No. 71093, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with San Jose Arena Management for Operation and Maintenance of the Arena Green Carousel, Children's Play Area and Restrooms for a Term of Three Years with an Option for an Additional One Year Extension, in an Amount Not To Exceed \$136,022 Per Year", was adopted. Vote: 8-0-3-0. Absent: Diquisto, Campos, Shirakawa.

- 2.27 Adoption of a resolution authorizing the City Manager to submit a request to the Santa Clara County Open Space Authority to jointly fund, with the County of Santa Clara, the acquisition of the Pyzak Property (APN 704-11-010) under the 20 Percent Funding Program, with the City's share in the amount of \$900,000. CEQA: Exempt, PP02-06-142. Council District 2. (Parks, Recreation and Neighborhood Services)**

Documents filed: Memorandum from Acting Director of Parks, Recreation and Neighborhood Services, Albert Balagso, June 3, 2002, recommending adoption of said resolution.

Discussion/Action: Resolution No. 71094, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Submit a Request to the Santa Clara County Open Space Authority to Jointly Fund with a Contribution Amount of \$900,000 the Acquisition of the Pyzak Property with the County of Santa Clara under the 20 Percent Funding Program", was adopted. Vote: 10-0-1-0. Absent: Diquisto.

- 2.28 (a) **Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the Campbell Union High School district for land lease and swimming pool renovations at Blackford High School in the amount of \$1,058,000 contingent upon the effectiveness of the SNI Project Area Redevelopment Plan, and make certain findings related to the proposed use of Redevelopment funds in the amount of \$975,000 for the project.**
- (b) **Adoption of appropriation ordinance amendments for FY 2002-2003 in the Park Trust Fund:**
- (1) **Establish an appropriation for the Blackford High School swimming Pool Renovations for \$83,000.**
- (2) **Decrease the Reserve: Future PDO/PIFO Project by \$83,000.**
- (c) **Adoption of an appropriation ordinance and funding sources resolution amendments for FY 2002-2003 in the City-Side Redevelopment Capital Fund:**
- (1) **Establish an appropriation for Blackford High School Swimming Pool Renovations for \$975,000.**
- (2) **Increase the Earned Revenue estimate by \$975,000.**

Council District 1. CEQA: Exempt, PP02-06-139.
(City Manager's Office/Redevelopment Agency)

Documents filed: Memorandum from City Manager Del Borgsdorf, Redevelopment Executive Director Susan Shick, and Budget Director Larry Lisenbee, dated June 20, 2002, recommending the authorization for the City Manager to negotiate and execute said agreement with the Campbell Union High School district for land lease and swimming pool renovations at Blackford High School and adoption of appropriation ordinance and related funding sources resolution amendments in the Park Trust Fund and in the City-side Redevelopment Capital Fund.

Discussion/Action: Resolution No. 71095, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with Campbell Union High School District for Lease of the Blackford High School Swimming Pool and Completion of Swimming Pool Renovations in an Amount Not To Exceed \$1,058.00; and Making Certain Determinations"; Ordinance No. 26694, entitled: "An Ordinance of the City of San José Amending Ordinance No. 26674 to Appropriate Monies in the Subdivision Park Trust Fund for Blackford High School Swimming Pool Renovations; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption"; Ordinance No. 26695, entitled: "An Ordinance of the City of San José Amending Ordinance No. 26674 to Appropriate Monies in the Services for Redevelopment Capital Projects Fund for Blackford High School Swimming Pool Renovations; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption"; and Resolution No. 71096, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 71072 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2002-2003 to Adjust Revenues in the Services for Redevelopment Capital Projects Fund", were adopted. Vote: 10-0-1-0. Absent: Diquisto.

2.29 Approval of a six-month extension of the Discount Parking Rate Program for Senior, Veterans, and Persons with Disabilities in four regional parks. CEQA: Not a project. (Parks, Recreation and Neighborhood Services)

Documents filed: Memorandum from Acting Director of Parks, Recreation and Neighborhood Services, Albert Balagso, June 3, 2002, recommending approval of said extension of the Discount Parking Rate Program for Senior, Veterans, and Persons with Disabilities.

Discussion/Action: The six-month extension of the Discount Parking Rate Program for Senior, Veterans, and Persons with Disabilities in four regional parks was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diquisto.

2.30 Adoption of a resolution authorizing the City Manager to:

- (a) Execute an agreement with the South Bay Regional Public Safety Training Consortium (SBRPSTC) to provide facilities, equipment, instruction, and clerical support services for the San José Police Academy, in an amount not to exceed \$230,000 for the first year; and,**
- (b) Execute four (4) one-year options to renew the agreement without further Council action other than appropriation of necessary funding.**

CEQA: Not a project. (Police)

Documents filed: Memorandum from Chief of Police William M. Lansdowne, dated June 10, 2002, recommending authorization for the City Manager to execute an agreement with the South Bay Regional Public Safety Training Consortium to provide facilities, equipment, instruction and clerical support services for the San Jose Police Academy, and execute four options to renew the agreement without further Council action other than for appropriation of necessary funding.

Discussion/Action: Resolution No. 71097, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute an Agreement with the South Bay Regional Public Safety Training Consortium Relating to the San Jose Police Academy, and to Exercise up to Four, One-Year Options to Renew the Agreement", was adopted. Vote: 10-0-1-0. Absent: Diquisto.

2.31 Approval of an agreement with Raines, Melton & Carella, Inc., for design and construction support services of the Highway 87 Detour II Sanitary Sewer Reconstruction, Phase II Project in the amount of \$621,016, and for additional services in the amount of \$62,000, for a total agreement amount of \$683,016, for a term from the date of execution to December 31, 2005. CEQA: Exempt, PP02-05-119. Council District 3. (Public Works)

Documents filed: Memorandum from Director of Public Works Katy Allen, dated June 3, 2002, recommending approval of said agreement with Raines, Melton & Carella, Inc.

Discussion/Action: The agreement with Raines, Melton & Carella, Inc., was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diquisto.

- 2.32 Adoption of a resolution authorizing the Director of Public Works to accept a donation of approximately 4812.7 square feet of right-of-way and 2361.6 square feet of temporary construction easement on the south side of Bret Harte Drive, Assessor Parcel Number 701-41-029, from Philip S. Sanfilipo, Trustee, or his successor(s) of the Philip S. Sanfilipo and Martha E. Sanfilipo Family Trust Agreement dated July 18, 1989, and to execute any additional documents required for such acceptance. CEQA: Exempt, PP02-05-105. Council District 10. (Public Works)**

Documents filed: Memorandum from Director of Public Works Katy Allen, dated June 3, 2002, recommending adoption of said resolution authorizing the Director of Public Works to negotiate and execute documents associated with the acceptance of said donation from Philip S. Sanfilipo, Trustee, or his successor(s) of the Philip S. Sanfilipo and Martha E. Sanfilipo Family Trust Agreement.

Discussion/Action: Resolution No. 71098, entitled: "A Resolution of the Council of the City of San José Approving a Donation of Property to the City of San José from Philip S. Sanfilipo, Trustee, or the Successor(s) of the Philip S. Sanfilipo and Martha E. Sanfilipo Family Trust and Directing the Director of Public Works to Negotiate and Execute all Necessary Documents to Complete the Transfer", was adopted. Vote: 10-0-1-0. Absent: Diquisto.

- 2.33 Adoption of a resolution authorizing the Director of Public Works to accept a donation of right-of-way easement containing approximately 12,711.57 square feet and a temporary construction easement area containing approximately 9,246 square feet located on the southwesterly part of Sunset Avenue, between Kammerer Avenue and Sanders Avenue, from the Alum Rock Union Elementary School District for the purpose of widening Sunset Avenue, and to execute any additional documents required for such acceptance. CEQA: Exempt, PP02-04-075. Council District 5. SNI: East Valley/680 Communities. (Public Works)**

Documents filed: Memorandum from Director of Public Works Katy Allen, dated June 3, 2002, recommending the authorization for the Director of Public Works to accept a donation of right-of-way easement and a temporary construction easement area located on the southwesterly part of Sunset Avenue between Kammerer Avenue and Sanders Avenue from the Alum Rock Union Elementary School District.

Discussion/Action: Resolution No. 71099, entitled: "A Resolution of the Council of the City of San José Approving a Donation of Property to the City of San José from Alum Rock Union Elementary School District and Directing the Director of Public Works to Execute all Necessary Documents to Complete the Transfer", was adopted. Vote: 10-0-1-0. Absent: Diquisto.

- 2.34 Adoption of a resolution summarily vacating the storm drainage easement within Assessors Parcel Number 484-44-057 located on the west side of Capitol Avenue between Wilbur Avenue and Lombard Avenue. CEQA: Negative Declaration, PDC99-11-087. Council District 5. SNI: East Valley/680 Communities. (Public Works)**

2.34 (Cont'd.)

Documents filed: Memorandum from Director of Public Works Katy Allen, dated June 3, 2002, recommending adoption of said resolution summarily vacating the storm drainage easement within Assessors Parcel Number 484-44-057 located on the west side of Capitol Avenue.

Discussion/Action: William Garbett spoke on this issue. Resolution No. 71100, entitled: "A Resolution of the Council of the City of San José Summarily Vacating a Portion of the Storm Drainage Easement Within Assessors Parcel Number 484-44-057 Located on the West Side of Capitol Avenue Between Wilbur Avenue and Lombard Avenue", was adopted. Vote: 10-0-1-0. Absent: Diquisto.

2.35 Approval of a first amendment to the agreement with Callander Associates Landscape Architecture, Inc. for consultant services for the Guadalupe Creek Trail Master Plan Project, extending the agreement term from October 31, 2002 to March 31, 2003, and increasing compensation by \$98,000, for a total agreement amount of \$337,000. CEQA: Exempt, PP02-04-164. Council District 10. (Public Works)

Documents filed: Memorandum from Director of Public Works Katy Allen, dated June 3, 2002, recommending approval of a first amendment to the agreement with Callander Associates Landscape Architecture, Inc. for consultant services for the Guadalupe Creek Trail Master Plan Project, extending the term and increasing the total compensation.

Discussion/Action: The first amendment to said agreement with Callander Associates Landscape Architecture, Inc. was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diquisto.

2.36 Approval of a first amendment to the agreement with BKF Engineers for consultant services for the Oakland Road Widening Project, increasing compensation by \$455,000, from \$95,000 to \$550,000, expanding the scope of services to include preliminary engineering, and extending the term of the agreement from December 31, 2002 to June 30, 2004. CEQA: Exempt, PP02-04-164. Council Districts 3 and 4. SNI: 13th Street. (Public Works)

Documents filed: Memorandum from Director of Public Works Katy Allen, dated June 3, 2002, recommending approval of a first amendment to the agreement with BKF Engineers for consultant services for the Oakland Road Widening Project, increasing the compensation, expanding the scope of services, and extending the term of the agreement.

Discussion/Action: The first amendment to said agreement with BKF Engineers was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diquisto.

- 2.37 Report on bids and award of contract for the Hamann Park Play Area and Restroom Renovation Project to the low bidder, JFC Construction, Inc., in an amount of \$359,171 and approval of a contingency in an amount of \$18,000. CEQA: Exempt, PP02-01-003. Council District: 6. (Public Works)**

Documents filed: (1) Memoranda from Director of Public Works Katy Allen, dated June 3 and 20, 2002, recommending award of said contract, with related contingency, to the low bidder, JFC Construction, Inc.

Discussion/Action: The award of said contract, with related contingency, to the low bidder, JFC Construction, Inc., was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diquisto.

- 2.38 Approval of a Master Agreement for design consultant services with Orsee Design Associates for the Parks Bond Emma Prusch Memorial Park and Various Park and Recreation Projects, for a term from the date of execution to June 30, 2004, in an amount not to exceed \$245,000. CEQA: Not a project. (Public Works)**

Documents filed: Memorandum from Director of Public Works Katy Allen, dated June 3, 2002, recommending approval of said Master Agreement for design consultant services with Orsee Design Associates.

Discussion/Action: The Master Agreement for said consultant services with Orsee Design Associates was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diquisto.

- 2.39 Approval to reject bids for the Roosevelt Roller Hockey Rink Project, and authorization for the Director of Public Works to re-advertise and re-bid the project. CEQA: Exempt, PP02-02-023. Council District 3. SNI: Five Wounds/Brookwood Terrace. (Public Works)**

Documents filed: Memorandum from Director of Public Works Katy Allen, dated June 3, 2002, recommending approval to reject bids for the Roosevelt Roller Hockey Rink Project, and authorization for the Director of public Works to re-advertise and re-bid the project.

Discussion/Action: The rejection of bids for the Roosevelt Roller Hockey Rink Project, and authorization for the Director of Public Works to re-advertise and re-bid the project was approved. Vote: 10-0-1-0. Absent: Diquisto.

- 2.40 Approval of an agreement with Harris and Associates. Inc., for design services and construction support services for the 84-Inch RCP Interceptor and 60-Inch Brick Interceptor Rehabilitation Phase VIB Project in the amount of \$329,419, and for additional services in the amount of \$25,000, for a total agreement amount of \$354,419, for a term from the date of execution to December 31, 2004. CEQA: Exempt, PP02-05-114. (Public Works)**

2.40 (Cont'd.)

Documents filed: Memorandum from Director of Public Works Katy Allen, dated June 3, 2002, recommending approval of said agreement with Harris and Associates, Inc.

Discussion/Action: The agreement with Harris and Associates, Inc., was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diquisto.

2.41 Approval of a cost sharing agreement with West Valley Sanitation District of Santa Clara County setting forth the respective obligations of the parties with regard to the construction, operation, and maintenance of joint use sanitary sewers retroactively, from July 1, 2000 to June 30, 2020, at no cost to the City. CEQA: Not a project. (Public Works)

Documents filed: Memorandum from Director of Public Works Katy Allen, dated June 3, 2002, recommending approval of said cost sharing agreement with West Valley Sanitation District of Santa Clara County.

Discussion/Action: The agreement with West Valley Sanitation District of Santa Clara County was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diquisto.

2.42 Report on bids and award of contract for the Improvement of Lewis Road Project to the low bidder, Wattis Construction, Inc., in an amount of \$173,654, and approval of a contingency in an amount of \$17,500. CEQA: Exempt, PP00-10-154. Council District 7. (Public Works)

Documents filed: Memorandum from Director of Public Works Katy Allen, dated June 3, 2002, recommending award of said contract, with related contingency, to the low bidder Wattis Construction, Inc.

Discussion/Action: The award of said contract, with the related contingency, to the low bidder Wattis Construction, Inc., was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diquisto.

2.43 Approval of an agreement with the City of Santa Clara to reimburse the City of San José for the relocation of a sanitary sewer line on Trimble Road in an amount not to exceed \$198,400. Council District 4. CEQA: Not a project. (Public Works)

Documents filed: Memorandum from Director of Public Works Katy Allen, dated June 3, 2002, recommending approval of said agreement with the City of Santa Clara.

Discussion/Action: The agreement with the City of Santa Clara was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diquisto.

- 2.44 Report on bids and award of contract for the McLaughlin Avenue Underground Utility District Project (Story Road to Panoche Avenue) to the low bidder, Norwood Construction in an amount of \$355,572, and approval of contingency in an amount of \$17,800. Council District 7. CEQA: Exempt, PP98-01-025. SNI Area: Rock Springs/Tully/Senter/Santee/Kennedy. (Public Works)**

Documents filed: Memoranda from Director of Public Works Katy Allen, dated June 3 and 20, 2002, recommending award of said contract, with related contingency, to the low bidder, Norwood Construction.

Discussion/Action: The award of said contract, with related contingency, to the low bidder, Norwood Construction, was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diquisto.

- 2.45 Approval to reject the sole bid for the Almaden Community Center Modular Project, and authorization for the Director of Public Works to re-advertise and re-bid the project. CEQA: Exempt, HA92-01-051. Council District 10. (Public Works)**

Documents filed: Memorandum from Director of Public Works Katy Allen, dated June 3, 2002, recommending approval to reject the sole bid for said project, and authorization for the Director of Public Works to re-advertise and re-bid the project. Vote: 10-0-1-0. Absent: Diquisto.

Discussion/Action: Neil Struthers spoke on the issue. The rejection of the sole bid and authorization for the Director of Public Works to re-advertise and re-bid the project was approved. Vote: 10-0-1-0. Absent: Diquisto.

- 2.46 Report on bids and award of contract for the Bird/Fisk Pocket Park Project to the low bidder, JFC Construction, Inc., in an amount of \$162,414, and approval of a contingency in an amount of \$9,000. CEQA: Exempt, PP02-04-083. Council District: 6. SNI Area: Gardner/Atlanta. (Public Works)**

Documents filed: Memoranda from Director of Public Works Katy Allen, dated June 3 and 20, 2002, recommending award of said contract, with related contingency, to the low bidder, JFC Construction, Inc.

Discussion/Action: The award of said contract, with related contingency, to the low bidder, JFC Construction, Inc., was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diquisto.

- 2.47 Report on bids and award of contract for the Monterey Road/First Street Tree Project (280 Freeway - Curtner Avenue) to the low bidder, Lone Star Landscape, Inc., in an amount of \$397,000 and approval of a contingency in an amount of \$19,850. CEQA: Resolution No. 65657. Council Districts 3 and 7. SNI: Spartan/Keyes; Washington. (Public Works)**

2.47 (Cont'd.)

Documents filed: Memorandum from Director of Public Works Katy Allen, dated June 3, 2002, recommending award of said contract, with related contingency, to the low bidder, Lone Star Landscape, Inc.

Discussion/Action: William Garbett spoke on this issue. The award of said contract, with related contingency, to the low bidder, Lone Star Landscape, Inc., was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diquisto.

2.48 Report on bids and adoption of a resolution authorizing the City Manager to award the contract for the Children of the Rainbow Park Play Area Renovation Project to the low bidder, Boulder Rock Landscape Construction, Inc., in an amount of \$129,200, and approval of a contingency in an amount of \$6,500. CEQA: Exempt, PP02-04-073. Council District: 5. SNI Area: NA. (Public Works)

Documents filed: Memoranda from Director of Public Works Katy Allen, dated June 3 and 20, 2002, recommending award of said contract, with related contingency, to the low bidder, Boulder Rock Landscape Construction, Inc.

Discussion/Action: Joseph Takacs and William Garbett spoke on the issue. Resolution No. 71101, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Award a Construction Contract for the Children of the Rainbow Park Play Area Renovation Project to the Low Bidder, Boulder Rock Landscape Construction, Inc., in the Amount of \$129,200, and Approval of a Contingency in the Amount of \$6,500", was adopted. Vote: 10-0-1-0. Absent: Diquisto.

2.49 Adoption of a resolution declaring a 77,624 square foot portion of City-owned land, located on the former Baroni Avenue, between Capitol Expressway and Vista Park Drive, surplus to the needs of the City, and approving an agreement for its sale to Pinn Brothers for \$1,629,300. CEQA: Negative Declaration, PDC01-028. Council District 10. (Public Works)

Documents filed: Memorandum from Director of Public Works Katy Allen, dated June 3, 2002, recommending adoption of said resolution.

Discussion/Action: Resolution No. 71102, entitled: "A Resolution of the Council of the City of San José Declaring a 77,624 Square-Foot Portion of City-Owned Land, Located on Former Baroni Avenue Between Capitol Expressway and Vista Park Drive, Surplus to the Needs of the City and Authorizing the Sale of the Property to Pinn Brothers", was adopted. Vote: 10-0-1-0. Absent: Diquisto.

- 2.50 Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Oakridge Mall LP, by Oakridge Mall, Inc., its general partner, for median island landscaping along Santa Teresa Boulevard, between Coleman Road and Cahalan Avenue, in connection with their development project at Oakridge Mall, that provides for City reimbursement in an amount not to exceed \$645,000. CEQA: Resolution No. 92060. Council District 10. (Public Works)**

Documents filed: Memorandum from Director of Public Works Katy Allen, dated June 3, 2002, recommending approval of said agreement with Westfield Corporation, Inc.

Discussion/Action: Resolution No. 71103, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with Oakridge Mall, LP, by Oakridge Mall, Inc., its General Partner, to Construct a Landscaped Median Island Along Santa Teresa Boulevard Between Coleman Road and Cahalan Avenue in Connection with its Development Project at Oakridge Mall, Providing for City Reimbursement in an Amount Not To Exceed \$645,000", was adopted. Vote: 10-0-1-0. Absent: Diquisto.

- 2.51 Report on bids and award of contract for the 2001-02 Street Rehabilitation Measure A/B Funded Project to the low bidder, Granite Rock Company d.b.a. Pavex Construction Division, in an amount of \$2,344,437, and approval of a contingency in an amount of \$235,000. CEQA: Exempt, PP02-05-124. Council District: 6. (Public Works)**

Documents filed: Memoranda from Director of Public Works Katy Allen, dated June 3 and 20, 2002, recommending award of said contract, with related contingency, to the low bidder, Granite Rock Company d.b.a. Pavex Construction Division.

Discussion/Action: The award of said contract, with related contingency, to the low bidder, Granite Rock Company d.b.a. Pavex Construction Division, was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diquisto.

- 2.52 (a) Report on bids and award of contract for the Traffic Signal Unit 01C Project to the low bidder, Prism Engineering, Inc., in an amount of \$903,023, and approval of a contingency in an amount of \$135,400, including improvements at Auzerais Avenue and Bird Avenue, Curtner Avenue and New Jersey Avenue, Goodyear Street and Vine Street, and Martha Street and Third Street. CEQA: Exempt, PP01-11-193. Council Districts 3, 6, and 9. SNI Area: Burbank/Del Monte Washington Spartan/Keyes. (Public Works)**
- (b) Report on bids and award of contract for the Traffic Signal Unit 01D Project to the low bidder, Brown & Fesler, Inc., in the amount of \$457,334, and approval of a contingency in the amount of \$68,600, includes improvements at Magliocco Drive and Winchester Boulevard and McLaughlin Avenue and Sylvia Street. CEQA: Exempt, PP01-11-193, PP99-07-156. Council Districts 1, 6, and 7. SNI: Winchester. (Public Works)**

2.52 (Cont'd.)

Documents filed: (1) Memoranda from Director of Public Works Katy Allen, dated June 3 and 20, 2002, recommending award of said contract for the Traffic Signal Unit 01C Project, with related contingency, to the low bidder, Prism Engineering, inc. (2) Memorandum from Director of Public Works Katy Allen, dated June 3, 2002, recommending award of said contract for the Traffic Signal Unit 01D Project, with related contingency, to the low bidder, Brown & Fesler, Inc.

Discussion/Action: The award of said contract for the Traffic Signal Unit 01C Project to the low bidder, Prism Engineering, Inc., and the award of said contract for the the Traffic Signal Unit 01D Project to the low bidder, Brown & Fesler, Inc., were approved and their execution authorized. Vote: 10-0-1-0. Absent: Diquisto.

2.53 Report on bids and award of contract for the Story Road Median Island Landscaping (Highway 101 - Roberts Avenue) to the low bidder, Lone Star Landscape, Inc., in an amount of \$935,000, and approval of a contingency in an amount of \$46,750. CEQA: Exempt, PP02-04-085. Council District: 7. SNI Area: Rock Spring/Tully/Senter/Santee/Kennedy. (Public Works)

Documents filed: Memoranda from Director of Public Works Katy Allen, dated June 3 and 20, 2002, recommending award of said contract, with related contingency, to the low bidder, Lone Star landscape, Inc.

Discussion/Action: The award of said contract, with related contingency, to the low bidder, Lone Star Landscape, Inc., was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diquisto.

2.54 Report on bids and award of contract for the Brigadoon Park Tot Lot and Backesto Park Play Area and Restroom Renovation Project to the lowest responsive bidder, JFC Construction, in an amount of \$547,814, and approval of a contingency in an amount of \$28,000. CEQA: Exempt, PP02-05-120 and PP02-05-121. Council Districts 8 and 3. SNI Area: Backesto Park-13th Street Community. (Public Works)

Documents filed: Memoranda from Director of Public Works Katy Allen, dated June 3 and 20, 2002, recommending award of said contract, with related contingency, to the lowest responsive bidder, JFC Construction.

Discussion/Action: The award of said contract, with related contingency, to the lowest responsive bidder, JFC Construction, was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diquisto.

- 2.55 Approval of an agreement with Franco Associates Architects for consultant services including project design, preparation of construction documents, and construction administration services for the new Alum Rock Branch Library Project, for the period July 1, 2002 to December 31, 2005, in the amount of \$975,000. CEQA: Exempt, PP02-06-147. Council District 5. SNI Area: East Valley/680 Communities. (Public Works)**

Documents filed: Memorandum from Director of Public Works Katy Allen, dated June 3, 2002, recommending approval of said agreement with Franco Associates Architects.

Discussion/Action: The agreement with Franco Associates Architects was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diquisto.

- 2.56 Approval of an agreement with Banducci Associates Architects, Inc. for consultant services including project design, preparation of construction documents, and construction administration services for the new Rosegarden Branch Library Project, from the date of execution to December 31, 2005, in the amount of \$955,000. CEQA: Exempt, PP02-06-151. Council District: 6. (Public Works)**

Documents filed: Memorandum from Director of Public Works Katy Allen, dated June 3, 2002, recommending approval of said agreement with Banducci Associates Architects, Inc.

Discussion/Action: The agreement with Banducci Associates Architects, Inc., was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diquisto.

- 2.57 Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Glenrock Builders, Inc. for construction of street improvements along the east side of Winfield Boulevard between Almaden Lake Drive and Alamitos Creek, that provides for City reimbursement in an amount not to exceed \$500,000. Council District 10. CEQA: Exempt, PP02-01-007. (Public Works)**

Documents filed: Memorandum from Director of Public Works Katy Allen, dated June 14, 2002, recommending approval of said agreement with Glenrock Builders, Inc.

Discussion/Action: Resolution No. 71104, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with Glenrock Builders, Inc. for Construction of Street Improvements on Winfield Boulevard that Provides for City Reimbursement in an Amount Not To Exceed \$500,000", was adopted. Vote: 10-0-1-0. Absent: Diquisto.

- 2.58 Adoption of a resolution authorizing the City Manager to negotiate and execute a non-exclusive use agreement with Ricochet Networks, Inc., a Delaware Corporation, transferring ownership of certain telecom repeaters existing on City light poles from City to Ricochet Networks and permitting Ricochet to activate these repeaters and place new repeaters on City-owned light poles for a period of five years, with one five year option, for which City will be compensated with: (1) 480 subscriptions and Ricochet Modems in the first year, increasing by four percent for each year of the contract and option; and (2) two percent of adjusted gross revenues from subscriptions within the City of San Jose. CEQA: Exempt, PP02-06-166. (Public Works/Information Technology)**

Documents filed: Memorandum from Director of Public Works Katy Allen and Chief Information Officer Wanzia Grycz, dated June 3, 2002, recommending approval of said agreement with Ricochet Networks, Inc.

Discussion/Action: William Garbett spoke on the issue. Resolution No. 71105, entitled: "A Resolution of the Council of the City of San José Delegating Authority to the City Manager to Negotiate and Execute a Five Year Use Agreement, with One, Five Year Option, with Ricochet Network, Inc. which Use Agreement will: (1) Transfer Ownership of Radio Repeaters to Ricochet Networks; (2) Grant City no less than 480 Modems and Subscriptions to Allow it to use the Modems; and (3) Guarantee the City 2% of the Subscription Fees Billed to Addresses within the City of San José", was adopted. Vote: 10-0-1-0. Absent: Diquisto.

- 2.59 Report of bids and award of contract for the FY 2001-2002 In-Place Recycling with Paver-Placed Surface Seal Project on Monterey Road to the low bidder, O'Grady Paving, Inc., in an amount of \$245,230, and approval of a contingency in an amount of \$24,000. CEQA: Exempt, PP02-06-138. Council District 2. (Transportation)**

Documents filed: Memorandum from Director, Department of Transportation, Wayne Tanda, dated June 3, 2002, recommending award of said contract, with related contingency, to the low bidder, O'Grady Paving, Inc.

Discussion/Action: The award of said contract, with related contingency, to the low bidder, O'Grady Paving, Inc., was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diquisto.

- 2.60 Approval of a grant agreement with the San José Downtown Association (SJDA) to coordinate and implement the Downtown Area Shuttle (DASH) program, to be provided by the Santa Clara Valley Transportation Authority, for the period July 1, 2002 through June 30, 2005, in an amount not to exceed \$600,000. CEQA: Not a project. Council District 3. (Transportation)**

Documents filed: Memorandum from Director, Department of Transportation, Wayne Tanda, dated June 3, 2002, recommending approval of said grant agreement with Sa Jose Downtown Association.

2.60 (Cont'd.)

Discussion/Action: The agreement with the San José Downtown Association (SJDA) was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diquisto.

2.61 Report on bids and award of contract for the FY 2001-2002 Wheelchair Ramp Project A to install curb cuts and ramps at 320 locations to the low bidder, Vanguard Construction, in the amount of \$359,730, and approval of a contract contingency in the amount of \$17,986. CEQA: Exempt, PP02-03-059. Council Districts 1, 3,4, 6, and 8. (Transportation)

Documents filed: Memorandum from Director, Department of Transportation, Wayne Tanda, dated June 3, 2002, recommending award of said contract, with related contingency, to the low bidder, Vanguard Construction.

Discussion/Action: Council Member LeZotte requested that a list of wheelchair ramps be provided to Council. The award of said contract, with related contingency, to the low bidder, Vanguard Construction, was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diquisto.

**2.62 Approval of a first amendment to the commercial air cargo operating agreement with United Parcel Service, Inc. extending the term of the agreement from August 1, 2002 through July 31, 2007, with an estimated annual revenue to the City of \$342,055. CEQA: Resolution No. 67380. (Airport)
(Deferred from 6/18/02 – Item 2.5)**

Documents filed: None.

Discussion/Action: This item was deferred to August 6, 2002.

**2.63 Adoption of a resolution authorizing the City Manager to negotiate and execute the second amendment to the agreement with Strategic Advisory Group LLP for consulting services to update the financial feasibility analysis of a potential Convention Center expansion, in an amount not to exceed \$150,000, for a total cost not to exceed \$460,000, and to extend the agreement term to December 31, 2002. CEQA: Exempt, PP02-06-161.
(City Manager's Office)
(Rules Committee referral 6/19/02)**

Documents filed: Memorandum from City Manager, Del D. Borgsdorf, and Executive Director of the Redevelopment Agency, Susan Shick, dated June 17, 2002, recommending approval of said resolution authorizing the City Manager to negotiate and execute the Second Amendment to the Agreement with Strategic Advisory Group, LLP.

2.63 (Cont'd.)

Discussion/Action: Council Member Chavez requested as part of the motion to include expanded conversation with traditional users of the Convention Center and to provide a workplan as to outreach to the community, particularly the Strong Neighborhoods Initiative neighborhood contiguous to the project. Resolution No. 71106, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Second Amendment to the Agreement with Strategic Advisory Group LLP for Consultant Services Regarding the Potential Expansion of the Convention Center", was adopted, with Direction to staff to (1) include an expanded conversation with traditional users, and (2) return to Council with a work plan as it relates to the outreach through the SNI community that is contiguous to this project. Vote: 10-0-1-0. Absent: Diquisto.

**2.64 Adoption of a resolution authorizing the City Manager to negotiate and execute a grant agreement with the Community Foundation Silicon Valley to support the planning efforts of the San Jose Symphony, in an amount not to exceed \$200,000. (Conventions, Arts and Entertainment)
(Rules Committee referral 6/19/02)**

Documents filed: Memorandum from Director of the Department of Conventions, Arts and Entertainment, Nancy Johnson, dated June 14, 2002, recommending approval of said resolution authorizing the City Manager to negotiate and execute a grant agreement with the Community Foundation Silicon Valley.

Discussion/Action: Resolution No. 71107, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Grant Agreement with Community Foundation Silicon Valley to Support the Planning Efforts of the San José Symphony in an Amount Not To Exceed \$200,000", was adopted. Vote: 10-0-1-0. Absent: Diquisto.

**2.65 Approval of a second amendment to the agreement with DKS Associates for consultant services for the development of the Norman Y. Mineta San José International Airport - Advanced Traffic Management System (ATMS), increasing compensation by \$195,000, from \$689,000 to a total of \$884,000, and extending the term of agreement from March 31, 2003 to June 30, 2005. CEQA: Exempt, PP00-02-026. (Transportation)
(Rules Committee referral 6/19/02)**

Documents filed: Memorandum from Acting Director of Transportation James R. Helmer, dated June 18, 2002, recommending approval of a second amendment to the agreement with DKS Associates.

Discussion/Action: The second amendment to said agreement with DKS Associates was approved and its execution authorized. Vote: 10-0-1-0. Absent: Diquisto.

- 2.66 Adoption of an urgency ordinance to allow an extension of the terms of the current Cable Television Franchise, originally granted to Gill Industries, Inc., from June 30, 2002 to June 30, 2003.**
(City Manager's Office)
(Rules Committee referral 6/19/02)

Documents filed: Memorandum from Assistant City Manager, Mark Linder, dated June 18, 2002, recommending adoption of said urgency ordinance.

Discussion/Action: William Garbett spoke on the issue Ordinance No. 26696, entitled: "An Urgency Ordinance of the City of San José Approving a Further Extension of the Terms of Ordinance No. 22128, Granting a Nonexclusive Cable Television Franchise to Gill Industries, Inc., DBA Gill Cable, From June 30, 2002 to June 30, 2003", was adopted. Vote: 10-0-1-0. Absent: Diquisto.

- 2.67 Adoption of appropriation ordinance and funding sources resolution amendments to the Services for Redevelopment Capital Projects Fund for Convention Center Capital Improvement Projects; the Building and Structure Construction Tax Fund for the Wooster Avenue: Silver Creek Bridge Project; and the Civic Center Parking Fund and Civic Center Construction Fund for the On-Site Parking Garage for FY 2002-2003. Council District 3. SNI Area: 13th Street, Five Wounds/Brookwood Terrace. (City Manager's Office)**
(Rules Committee referral 6/19/02)

Documents filed: Memorandum from Budget Director, Larry D Lisenbee, dated June 18, 2002, recommending adoption of said appropriation ordinance and funding sources resolution amendments.

Discussion/Action: Resolution No. 71108, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 71072 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2002-2003 to Adjust Revenues in the Civic Center Construction Fund, Building and Structure Tax Fund, Civic Center Parking Fund, and Services for Redevelopment Capital Projects Fund", and Ordinance No. 26697, entitled: "An Ordinance of the City of San José Amending Ordinance No. 26674 to Appropriate Monies in the Civic Center Parking Fund and Civic Center Construction Fund for the On-Site Parking Garage, the Building and Structure Tax Fund for the Wooster Avenue-Silver Creek Bridge Project, and the Services for the Redevelopment Capital Projects Fund for Convention Center Capital Improvement Projects; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption", were adopted. Vote: 10-0-1-0. Absent: Diquisto.

- 2.68 (a) Approval of Mayor Ron Gonzales' travel to Madison, Wisconsin, June 14-17, 2002, to attend the United States Conference of Mayors, 70th Annual Meeting. Funding: Mayor's Office.**
(b) Adoption of a resolution approving Mayor Ron Gonzales' travel to United Kingdom and Dublin, Ireland, June 30 through July 11, 2002, on behalf of the Sister City Program. Funding: Officeholder Account.

(Mayor)

(Rules Committee referral 6/19/02)

Documents filed: (1) Memorandum from Mayor Gonzales dated June 17, 2002, requesting approval to travel to Madison, Wisconsin, for City business. (2) Memorandum from Mayor Gonzales dated June 19, 2002, requesting approval to travel to United Kingdom and Dublin, Ireland, for Sister City Program.

Discussion/Action: Mayor Gonzales' travel to Madison, Wisconsin, June 14-17, 2002, to attend the United States Conference of Mayors, was approved and Resolution No. 71109, entitled: "A Resolution of the Council of the City of San José Approving Mayor Ron Gonzales' Travel to the United Kingdom and Dublin, Ireland from June 30, 2002 through July 11, 2002 on Behalf of the City of San José Sister City Program", was adopted. Vote: 10-0-1-0. Absent: Diquisto.

- 2.69 Approval of Council Member Ken Yeager's travel to Dublin, Ireland, July 8-11, 2002, as part of the Official Sister City Delegation. Funding: Personal. (Yeager)**
(Rules Committee referral 6/19/02)

Documents filed: None.

Discussion/Action: Council Member Yeager's travel to Dublin, Ireland, July 8-11, 2002, as part of the Official Sister City Delegation was approved. Vote: 10-0-1-0. Absent: Diquisto.

- 2.70 (a) Adoption of a resolution approving a Project Labor Agreement for Airport Master Plan projects, including the Central Terminal, public and employee parking garages, and other major Master Plan projects as agreed.**
(b) Adoption of a resolution authorizing the City Manager to negotiate and execute a Project Labor Agreement for City Hall Project construction contracts on terms and conditions consistent with the Project Labor Agreement approved for Airport projects.

(City Attorney's Office/Public Works)

(Rules Committee referral 6/19/02)

Documents filed: Memorandum from Director of Public Works Katy Allen, dated June 20, 2002, recommending (a) adoption of said resolution approving a Project Labor Agreement for Airport Master Plan projects, and (b) adoption of said resolution authorizing the City Manager to negotiate and execute a Project Labor Agreement for City Hall Project.

2.70 (Cont'd.)

Discussion/Action: Neil Struthers spoke on the issue. Resolution No. 71110, entitled: "A Resolution of the Council of the City of San José Approving a Project Labor Agreement for Airport Master Plan Projects, including the Central Terminal, Public and Employee Parking Garages and other Major Master Plan Projects as agreed", and Resolution No. 71111, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Project Labor Agreement for the New Civic Center", was adopted. Vote: 10-0-1-0. Absent: Diquisto.

**2.71 Approval of employment agreements with John Salois and Brian Bennert, for the period July 1, 2001 through December 31, 2002. (Diquisto)
(Rules Committee referral 6/19/02)**

Documents filed: None.

Discussion/Action: The employment agreements with John Salois and Brian Bennert were approved. Vote: 10-0-1-0. Absent: Diquisto.

**2.72 Adoption of a Resolution authorizing the City Manager to submit an application for a grant from the Department of Health and Human Services in an amount not-to-exceed \$1,000,000 and to accept the grant if awarded. (Parks, Recreation and Neighborhood Services)
(Orders of the Day)**

Documents filed: Memorandum from Acting Director of Parks, Recreation and Neighborhood Services, Albert Balagso, dated June 24, 2002, recommending adoption of said resolution.

Discussion/Action: Resolution No. 71112, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Submit an Application to the U.S. Health and Human Services Department for a Grant to Promote Learning Readiness in Children in an Amount Not To Exceed \$1,000,000, to Accept the Grant if Awarded, and to Execute All Related Documents", was adopted. Vote: 10-0-1-0. Absent: Diquisto.

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

**3.2 Report of the Rules Committee - Meeting of June 12, 2002
Vice Mayor Shirakawa, Jr., Chair**

Documents filed: Rules Committee Report of June 12, 2002.

3.2 Report of the Rules Committee - Meeting of June 12, 2002
Vice Mayor Shirakawa, Jr., Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting.

The Redevelopment Agency items to be reported out at Redevelopment Agency Board meeting.

- (b) City Council

- (1) Review June 25, 2002 Draft Agenda

The Committee recommended approval of the June 25, 2002 City Council agenda with one addition.

- (2) Add New Items to June 18, 2002 Amended Agenda

The Committee recommended four additions to the June 18, 2002 City Council agenda.

- (c) City Council Committees

- (1) Amendments to Council Committee Agendas

- (a) Finance and Infrastructure Committee. Attachment: Draft agenda for the June 26, 2002 Finance and Infrastructure Committee meeting .

The Committee recommended approval to add two items to the June 26, 2002 Finance and Infrastructure Committee agenda: Item b, *“Additional City Auditor Revenue Enhancement Activities (Auditor);* and Item d, *“An Audit of the City of San Jose’s Customer Service Call Center (Auditor).”*

- (b) Economic Development and Environment Committee
None Filed.

- (c) Education, Neighborhoods, Youth, and Seniors Committee
None Filed.

- (d) Meeting Schedules - There were none.

- (e) The Public Record - There was no Public Record filed.

- (f) Boards, Commissions and Committees - There were none.

3.2 Report of the Rules Committee - Meeting of June 12, 2002
Vice Mayor Shirakawa, Jr., Chair

(g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee.

- (1) Request to modify the Municipal Code regarding tree removal noticing. Attachment: Memorandum from Council Member LeZotte recommending staff modify Section 13.28.140 of the San Jose Municipal Code entitled "Posting notice of tree removal."

The Committee directed the Administration to return to Rules Committee in August with a workload assessment to implement Council Member LeZotte's request to modify the Municipal Code in regard to posting notice of tree removal.

(h) Administrative Reviews and Approval

- (1) Workload assessment to change Project Diversity commission term limits. Attachment: Memorandum from City Clerk Patricia L. O'Hearn dated June 12, 2002, providing a workload assessment to change the length of terms for Boards and Commissions.

The Committee approved City Clerk Patricia O'Hearn's report that made the following recommendations for boards and commissions under Project Diversity:

- a. That the length of terms for boards and commissions is reduced from four years to three years;
 - b. The commissioners are eligible to serve two, three-year terms;
 - c. That appointment to an unexpired term of *two years or more* is considered a full term;
 - d. That a commissioner appointed to an unexpired term of *less than two years* is allowed to apply subsequently for two, three-year terms on that commission;
 - e. That commissions maintain established term endings of either June 30th or December 31st; and
 - f. That the conversion to three-year terms will go into effect January 1, 2003.
- (2) 2002 Mid-year Federal Legislative Report. Attachment: Memorandum from Betsy Shotwell dated June 6, 2002 recommending acceptance of City of San Jose's Washington, D.C. Lobbyist John Montgomery's mid-year report on the status of federal legislation and the City's appropriation requests.

The Committee accepted the San Jose's Washington, D.C. lobbyist's mid-year report on the status of federal legislation and the City's appropriation requests.

3.2 Report of the Rules Committee - Meeting of June 12, 2002
Vice Mayor Shirakawa, Jr., Chair

- (i) Oral communications - None were presented.
- (j) Adjournment - The meeting adjourned at 2:30 P.M.

Discussion/Action: Regarding the recommendation for two, three-year terms for Commissioners, Council Member Reed asked how this relates to incumbents who have the remainder of their term to serve. City Clerk Pat O'Hearn responded that decisions on terms for incumbents will be on a case-by-case basis, and that the goal is to have Commissioners serve at least six years. Referring to 3.2(h)(1)(d), and as part of the motion, Council Member Dando recommended changing "two years" to "eighteen months." City Clerk O'Hearn confirmed that if a Commissioner serves eighteen months or less, the Commissioner would be eligible for two additional terms. Upon motion by Vice Mayor Shirakawa, Jr., seconded by Council Member Dando, and unanimously carried, the Rules Committee Report and actions of June 12, 2002 were accepted, with the direction to Staff to change Item 2.2(h)(1)c. to read an unexpired term of 18 months or more and Item 2.2(h)(1)d. to read an unexpired term of less than 18 months. Vote: 10-0-1-0. Absent: Diquisto.

3.2 Report of the Rules Committee - Meeting of June 19, 2002
Vice Mayor Shirakawa, Jr., Chair

Documents Filed: Rules Committee Report of June 19, 2002.

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting

The Redevelopment Agency items to be reported out at Redevelopment Agency Board meeting

- (b) City Council
 - (1) Review July 2, 2002 Draft Agenda

This Item was dropped due to Council recess.

- (2) Add New Items to June 25, 2002 Amended Agenda

The Committee recommended eighteen additions to the June 25, 2002 City Council agenda.

3.2 Report of the Rules Committee - Meeting of June 19, 2002

Vice Mayor Shirakawa, Jr., Chair

(c) City Council Committees

(1) Amendments to Council Committee Agendas

- (a) Finance and Infrastructure Committee. Attachment: Draft agenda for the June 26, 2002 Finance and Infrastructure Committee.

The Committee recommended approval to add an item to the June 26, 2002 Finance and Infrastructure Committee agenda: Item b. "Finance Department Revenue Collection Efforts (Finance)."

- (b) Economic Development and Environment Committee
None Filed.

- (c) Education, Neighborhoods, Youth, and Seniors Committee
None Filed.

- (2) Approve Council Committee Work plans for the period August – December 2002. Attachment: Memoranda from Mayor Ron Gonzales and Vice Mayor George Shirakawa, Jr. dated June 14, 2002 recommending approval of the Rules Committee's workplan; from Mayor Ron Gonzales and Council Member Pat Dando dated June 14, 2002 recommending approval of the Finance & Infrastructure Committee's workplan, from Mayor Ron Gonzales and Council Member Forrest Williams dated June 14, 2002 recommending approval of the Economic Development & Environment Committee's workplan; and from Mayor Ron Gonzales and Council Member Cindy Chavez dated June 14, 2002 recommending approval of the Education, Neighborhood, youth and Seniors Committee's workplan.

The Committee recommended approval of work plans for the period August-December 2002 for the following Committees: Rules, Finance & Infrastructure; Economic Development & Environment; Education, Neighborhood, Youth and Seniors.

(d) Meeting Schedules

The Committee recommended cancellation of the following meetings: the June 26, 2002 Rules Committee meeting and the August 6, 2002 evening session of City Council.

- (e) The Public Record. Attachment: Memorandum from City Clerk Patricia O'Hearn dated June 13, 2002 transmitting items filed for the Public Record for the period June 5-11, 2002.

The Committee noted and filed the Public Record.

3.2 Report of the Rules Committee - Meeting of June 19, 2002 (Cont'd.)

- (f) Boards, Commissions and Committees - There were none.
- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee - There were none.
- (h) Administrative Reviews and Approval
 - (1) Workload assessment to obtain rental dispute data. Attachment: Memorandum from Director of Housing Leslye Corsiglia dated June 13, 2002 informing the Committee that the information requested by Council Member Dando will be collected in compliance with recent changes to the Rental Mediation and Arbitration Ordinance.

The Committee accepted the Housing Director's workload assessment which informed the Committee that the information requested by Council Member Dando will be collected in compliance with recent changes to the Rental Mediation and Arbitration Ordinance. Attachment: Memorandum from Director of Housing, Leslye Corsiglia, dated June 13, 2002.

- (2) Approve requests from Council Member Pat Dando to use Council General funds:
 - (a) To attend National League of Cities' transportation meetings in Medford, Oregon, June 12-15, 2002
 - (b) To attend National League of Cities Homeland Security Task Force meeting in New York, July 24-28, 2002. Attachment: Memoranda from Council Member Pat Dando dated June 10, 2002 requesting use of Council General funds; and from City Clerk Patricia O'Hearn dated June 14, 2002 summarizing the use of Council General Travel budget year-to-date.

The Committee approved Council Member Dando's request to use Council General funds to attend the National League of Cities' meeting in Medford, Oregon, June 12-15, 2002, and New York, July 24-28, 2002.

- (3) Request to remove a compliance audit of the Deferred Compensation Plan from the City Auditor's 2001-02 Workplan. Attachment: Memorandum from City Auditor Gerald Silva dated June 12, 2002 recommending removal of a compliance audit of the Deferred Compensation Plan from the City Auditor's 2001-02 workplan.

The Committee approved the removal of a compliance audit of the Deferred Compensation Plan from the City Auditor's 2001-02 work plan.

- (4) Approve City Auditor's 2002-2003 Audit Workplan. Attachment: Memorandum from City Auditor Gerald Silva dated June 12, 2002 recommending approval of the City Auditor's 2002-03 Audit Workplan.

3.2 Report of the Rules Committee - Meeting of June 19, 2002

- (h) Administrative Reviews and Approval (Cont'd.)
- (4) Approve City Auditor's 2002-2003 Audit Workplan (Cont'd.)

The Committee recommended approval of the City Auditor's 2002-03 Audit Workplan.

- (i) Oral communications - None were presented.
- (j) Adjournment - The meeting adjourned at 2:15 P.M.

Discussion/Action: The Rules Committee Report and actions of June 19, 2002 were accepted. Vote: 10-0-1-0. Absent: Diquisto.

3.3 Report of the Finance and Infrastructure Committee – June 12, 2002 Council Member Dando, Chair

Documents Filed: Finance and Infrastructure Committee Report for June 12, 2002.

- (a) Consent Items
 - (1) Monthly Investment Report for April 2002. Attachment: Memorandum from Director of Finance, Scott P. Johnson, dated May 24, 2002, transmitting said report.

The Committee approved the Consent Items.

- (b) Monthly Financial Report for April 2002. Attachment: Memorandum from Budget Director, Larry D. Lisenbee, dated June 3, 2002, transmitting said report.

The Committee accepted the staff report.

- (c) Sales and Business Tax Report for Quarter Ending March 31, 2002. Attachment: Correspondence from City Auditor, Gerald A. Silva, dated June 3, 2002, transmitting said report.

This Item was approved as part of the Consent Items above.

- (d) An Audit of the San José Police Department's Method of Projecting Sworn Officer Retirements and Other Separations. Attachment: Report entitled "*An Audit of the San José Police Department's Method of Projecting Sworn Officer Retirements and Other Separations*" from the Office of the City Auditor dated June 2002.

The Committee accepted the staff report.

3.3 Report of the Finance and Infrastructure Committee – June 12, 2002 (Cont'd.)

Council Member Dando, Chair

- (e) Major Information Technology Projects Update. Attachment: Memorandum from Chief Information Officer, Information Technology, Wandzia Grycz, dated June 4, 2002, transmitting said report.

The Committee accepted the staff report.

- (f) San José Permits On-line (IDTS) System Demonstration

The Committee accepted the demonstration.

- (g) Oral petitions - None.

- (h) Adjournment - The Committee was adjourned at 3:55 P.M.

Discussion/Action: The Finance and Infrastructure Committee Report and actions of June 12, 2002 were accepted. Vote: 10-0-1-0. Absent: Diquisto.

ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Economic Development & Environment Committee – June 3, 2002

Council Member Williams, Chair

- (a) Further Discussion of Group Home Ordinance and Reasonable Accommodation
This Item to be reported out in August 2002.
- (b) San José Permits On-Line (IDTS) System Demonstration
- (c) Street Tree Pruning and Replacement Process
- (d) Monthly Status Report on Housing Production Team Action Items
- (e) Monthly Report on Affordable Housing Production
- (f) Five Year Homeless Plan
- (g) Status Report on Implementation Efforts of Green Building Policies
- (h) Third Quarter Redevelopment Housing Report
- (i) Oral petitions
- (j) Adjournment

(Deferred from 6/18/02 – Item 4.1)

Documents filed: None

Discussion/Action: This Item was deferred to August 6, 2002.

4.2 Approval of the following actions for the financing of the 225-unit Almaden Family Apartments, a new construction development affordable to extremely low- and low-income households, located at 1525-1541 Almaden Road:

- (a) **Hold a Tax Equity and Fiscal Responsibility Act of 1986 (“TEFRA”) Hearing for the issuance of tax-exempt multifamily housing revenue bonds.**

(Item continued on next page)

4.2 (Cont'd.)

(b) Adoption of a resolution that:

- (1) Expresses the City's intent to issue up to \$35,000,000 in multi-family tax-exempt revenue bonds to finance the acquisition, construction, and permanent financing of the Development.**
- (2) Authorizes the Director of Housing to file an application with the California Debt Limit Allocation Committee (CDLAC) for an allocation of up to \$35,000,000 in private activity bonds.**
- (3) Authorizes the Director of Housing to negotiate and execute a Deposit and Escrow Agreement with Almaden Family Partners, L.P., or its affiliate for the CDLAC application for the Development.**
- (4) Approves a funding commitment for a permanent loan for up to \$8,950,000, and a conditional grant of up to \$5,290,000, to Almaden Family Partners, L.P., or its affiliate, for the Development.**
- (5) Finds that the use of 20% Housing funds for the project is of benefit to the Redevelopment Project Areas in San José.**

CEQA: Negative Declaration, PDC98-089. (Housing/Finance)

Documents filed: (1) Memorandum from Director of Housing Leslye Corsiglia and Director of Finance Scott P. Johnson, dated June 18, 2002, recommending Council approve said actions regarding the financing of the 225-unit Almaden Family Apartments. (2) Public Hearing Notice dated June 6, 2002, and Proof of Publication executed on June 10, 2002, submitted by the City Clerk.

Discussion/Action: This item was dropped from the agenda.

4.3 **Adoption of a resolution approving business terms for a conditional grant of up to \$1,000,000, and an acquisition/predevelopment loan of up to \$4,000,000 to Community Housing Developers, or its designated affiliate, for the proposed development of the 93-unit Tierra Encantada family housing project affordable to low-, very low-, and extremely low-income households on a 1.98-acre portion of a 2.49-acre site located at the southeast corner of Alum Rock and McCreery Avenues. CEQA: ND PDC 02-029. Council District 5. SNI: Mayfair. (Housing)**

Documents filed: Memorandum from Director of Housing Leslye Corsiglia, dated June 3, 2002, recommending approval of said resolution regarding the proposed development of the 93-unit Tierra Encantada family housing project.

Discussion/Action: Upon motion by Council Member Campos, seconded by Council Member Dando and unanimously carried, Resolution No. 71113, entitled: "A Resolution of the Council of the City of San José Approving Business Terms for a Conditional Grant of up to \$1,000,000, and an Acquisition/Predevelopment Loan of up to \$4,000,000 to Community Housing Developers, or its Designated Affiliate, for the Proposed Development of the 93-Unit Tierra Encantada Family Housing Project affordable to Low,

4.3 (Cont'd.)

Very Low and Extremely Low-Income Households, on a 1.98 Acre Portion of a 2.49 Acre site Located at the Southeast Corner of Alum Rock and McCreery Avenues”, was adopted. Vote: 9-0-2-0. Absent: Chavez, Diquisto.

4.4 Adoption of a resolution:

- (a) Approving business terms for an acquisition/predevelopment loan of up to \$4,113,600, and a conditional grant of up to \$4,775,000, to CORE Development, Inc. and ROEM Development Corporation, or their designated affiliate for the development of the 100-unit San Carlos Senior rental housing project affordable to extremely low-income households and 30 units of for-sale townhomes on a 3.25-acre site located at 1523 West San Carlos Street.**
- (b) Approving a fund reservation for an additional conditional grant amount of \$4,830,000, to provide construction and permanent financing for the Development.**

CEQA: Resolution No. 68839. Council District 6. SNI: Burbank/Del Monte. (Housing)

Documents filed: Memorandum from Director of Housing Leslye Corsiglia, dated June 3, 2002, recommending approval of said resolution regarding the development of the 100-unit San Carlos Senior rental housing project.

Discussion/Action: Council Member Yeager clarified that this was funding of the project only. Upon motion by Council Member Yeager, seconded by Council Member Dando, and unanimously carried, Resolution No. 71114, entitled: “A Resolution of the Council of the City of San José Approving Business Terms for a Conditional Grant of up to \$4,775,000, and an Acquisition/Predevelopment Loan of up to \$4,113,600 to Core Development, Inc. and Roem Development Corporation, or their Designated Affiliate, for the Proposed Development of the 100-Unit San Carlos Senior Rental Housing Project Affordable to Extremely Low-Income Households and 30 Units of For Sale Townhomes with up to Half Available to Moderate Income Households, on a 3.25 Acre Site Located at 1523 West San Carlos Street”, was adopted. Vote: 9-0-2-0. Absent: Chavez, Diquisto.

4.5 Adoption of a resolution:

- (a) Authorizing the issuance of tax-exempt multifamily housing revenue bonds (the "Bonds") in a principal amount not to exceed \$3,865,000.**
- (b) Approving a loan of the Bond proceeds to Monte Vista Gardens Senior Housing II, L.P., a California limited partnership created by ROEM Monte Vista Gardens Senior Housing II, LLC and Foundation for Affordable Housing II, Inc., for financing the construction and development of the Monte Vista Gardens Senior Housing Apartments Project, Phase II, located at the west side of South Capital Avenue and north of Lombard.**

(Item continued on next page)

4.5 (Cont'd.)

- (c) **Approving in substantially final form the Bonds, Trust Indenture, Loan Agreement, Regulatory Agreement and Declaration of Restrictive Covenants, Private Placement Memorandum and Bond Placement Agreement; authorizing the Director of Finance and the Director of Housing, as appropriate, to negotiate, execute, and deliver these documents and other related documents as necessary.**
- (d) **Approving a permanent loan of up to \$2,613,604 to ROEM Development Corporation, a construction loan of up to \$1,901,741, and a permanent loan of up to \$1,684,825, to Monte Vista Gardens Senior Housing II, L.P., or its designated affiliate, for a total City commitment of \$4,515,345 during the Construction Phase, and \$4,298,429 during the Permanent Phase, as outlined in Table A of the staff report.**

CEQA: Negative Declaration, PDC99-087. Council District 5. SNI: East Valley/680 Communities. (Housing/Finance)

Documents filed: (1) Memorandum from Director of Housing Leslye Corsiglia and Director of Finance Scott P. Johnson, dated June 3, 2002, recommending approval of said resolution. (2) Memorandum from Director of Finance Scott P. Johnson, dated June 18, 2002, transmitting the Private Placement Memorandum and providing updated status on financing.

Discussion/Action: Upon motion by Council Member Campos, seconded by Council Member Cortese, and unanimously carried, Resolution No. 71115, entitled: "A Resolution of the Council of the City of San José, California Authorizing the Issuance, Sale and Delivery of Multifamily Housing Revenue Bonds in an Aggregate Principal Amount Not To Exceed \$3,665,000 for the Purpose of Making a Loan to Provide Financing for the Monte Vista Gardens Senior Apartments Project, Phase II; Determining and Prescribing Certain Matters Relating Thereto; and Approving and Authorizing Related Actions and the Execution and Delivery of Related Documents", was adopted. Vote: 10-0-1-0. Absent: Diquisto.

4.6 Approval of the following actions regarding financing for the acquisition, rehabilitation, and permanent financing of the 152-unit Bel Aire Apartments development, in which 90% of the units will be affordable to low- and very low-income households, on a 3.94-acre site located at 3201 Loma Verde Drive:

- (a) **Hold a Tax Equity and Fiscal Responsibility Act (TEFRA) Hearing for the issuance of up to \$15,000,000 in tax-exempt multifamily housing revenue bonds for the Development.**
- (b) **Adoption of resolutions:**
 - (1) **Approving a funding commitment of up to \$2,797,000 for an acquisition, rehabilitation, and permanent loan to Pacific American Properties, Inc., or an affiliated entity, for the Development.**

(Item continued on next page)

4.6 (Cont'd.)

(b) Adoption of resolutions:

- (2) Expressing its intent to issue up to \$15,000,000 in multifamily tax-exempt revenue bonds to finance the Development.**
- (3) Authorizing the Director of Housing to file an application with California Debt Limit Allocation Committee (CDLAC) for an allocation of up to \$15,000,000 in private activity bonds for the Development.**
- (4) Authorizing the Director of Housing to negotiate and execute a Deposit and Escrow Agreement with Pacific American Properties, Inc., or an affiliated entity, for the CDLAC application for the project.**
- (5) Finding that the use of 20% Housing funds for the Development is of benefit to the Redevelopment Project Areas in San José.**

CEQA: Exempt PP02-06-167 Council District 1 SNI: Winchester (Housing/Finance)

Documents filed: Memorandum from Director of Housing Leslye Corsiglia and Director of Finance Scott P. Johnson, dated June 3, 2002, recommending approval of said actions regarding financing for the acquisition, rehabilitation and permanent financing of the 152-unit Bel Aire Apartments development. (2) Public Hearing Notice dated June 6, 2002, and Proof of Publication executed on June 10, 2002, submitted by the City Clerk.

Discussion/Action: The TEFRA hearing was held for the issuance of tax-exempt multifamily housing revenue bonds for development of the Bel Aire Apartments project and there was no testimony from the floor. Upon motion by Council Member LeZotte, seconded by Council Member Dando, and unanimously carried, Resolution No. 71116, entitled: "A Resolution of the Council of the City of San José (i) Approving a Funding Commitment of up to \$2,797,000 for an Acquisition, Rehabilitation and Permanent Loan to Pacific American Properties, Inc., or its Affiliated Entity for the Development of the 152-Unit Bel Aire Apartments, in which 90% of the Units will be Affordable to Low- and Very Low-Income Households and (ii) Finding that the use of Redevelopment Funds for the Project is of Benefit to the Redevelopment Project Areas in San Jose", and Resolution No. 71117, entitled: "A Resolution of the Council of the City of San José Expressing its Intent to Issue Tax Exempt Debt for the Construction and Development of Multifamily Housing and Taking Related Actions (The Bel Aire Apartments Project)", were adopted. Vote: 10-0-1-0. Absent: Diquisto.

4.7 Approval of the following actions regarding the financing of the 160-unit Summerwind Family Apartments, a new construction development affordable to extremely low-, very low-, and low-income households, located at 202 Lewis Road:

- (a) Hold a Tax Equity and Fiscal Responsibility Act of 1986 ("TEFRA") Hearing for the issuance of up to \$20,000,000 in tax-exempt multifamily housing revenue bonds for the Development.**

(Item continued on next page)

4.7 (Cont'd.)

(b) Adoption of a resolution:

- (1) Expressing the City's intent to issue up to \$20,000,000 in multifamily tax-exempt revenue bonds to finance the acquisition, construction, and permanent financing of the Development.**
- (2) Authorizing the Director of Housing to file an application with the California Debt Limit Allocation Committee (CDLAC) for an allocation of up to \$20,000,000 in private activity bonds.**
- (3) Authorizing the Director of Housing to negotiate and execute a Deposit and Escrow Agreement with ROEM Development Corporation, or its affiliate, for the CDLAC application for the Development.**
- (4) Approving business terms for an acquisition and predevelopment loan of up to \$9,500,000 to ROEM Development Corporation, or its affiliate, for the Development.**
- (5) Finding that the use of 20% Housing funds for the Development is of benefit to the Redevelopment Project Areas in San José.**

CEQA: Negative Declaration, PDC02-018. Council District 7. (Housing/Finance)

Documents filed: Memorandum from Director of Housing Leslye Corsiglia and Director of Finance Scott P. Johnson, dated June 3, 2002, recommending approval of said actions and adoption of said resolution regarding the financing of the 160-unit Summerwind Family Apartments. (2) Public Hearing Notice dated June 6, 2002, and Proof of Publication executed on June 10, 2002, submitted by the City Clerk.

Discussion/Action: The TEFRA hearing was held for the issuance of tax-exempt multifamily housing revenue bonds for development of the Summerwind Family Apartments project and there was no testimony from the floor. Upon motion by Vice Mayor Shirakawa, Jr., seconded by Council Member Chavez, and unanimously carried, Resolution No. 71118, entitled: "A Resolution of the Council of the City of San José Expressing its Intent to Issue Tax Exempt Debt for the Construction and Development of Multifamily Housing and Taking Related Actions (The Summerwind Family Apartments Project)", and Resolution No. 71119, entitled: "A Resolution of the Council of the City of San José (i) Approving Business Terms for an Acquisition and Predevelopment Loan of up to \$9,500,000 to Roem Development Corporation, or its Affiliate for Development of a 160-Unit New Construction Development Affordable to Extremely Low-, Very Low, and Low-Income Households, located at 202 Lewis Road in San Jose and (ii) Finding that the use of Redevelopment Funds for the Project is of Benefit to the Redevelopment Project Areas in San Jose", was adopted. Vote: 10-0-1-0. Absent: Diquisto.

4.8 PUBLIC HEARING and adoption of a resolution to:

- (a) Approve Single Residential Occupancy (SRO) Units as a housing type for purposes of calculating the parkland dedication requirement under Park Impact Ordinance and Parkland Dedication Ordinance, Chapter 14.25 or 19.38 of the San José Municipal Code;
- (b) Approve a change to private recreation improvement credits for non-active elements, swimming pools, spas, and recreation buildings to be credited against land dedicated to the City for public park purposes, up to the fifty percent (50%) cap set forth in Chapter 14.25 or 19.38 of the San José Municipal Code;
- (c) Approve an in-lieu fee schedule and credits associated with the Park Impact and Parkland Dedication Ordinances in Chapter 14.25 or 19.38 of the San José Municipal Code for projects in process based on one-hundred percent (100%) of the land values indicated in the 1997 Residential Land Value Study prepared by Diaz, Diaz & Boyd, Inc; and
- (d) Approve the first year of a two-year phase-in adjustment to the in-lieu fee schedule and credits associated with the Park Impact and Parkland Dedication Ordinances in Chapter 14.25 or 19.38 of the San José Municipal Code, where the first year will reflect seventy percent (70%) of the land values indicated in the 2001 Residential Land Value Study prepared by Diaz, Diaz & Boyd, Inc.

CEQA: Exempt, PP02-05-131.

(Parks, Recreation and Neighborhood Services)

Documents filed: (1) Memorandum from Director of Planning, Building & Code Enforcement Department Stephen M. Haase and Acting Director of Parks, Recreation and Neighborhood Services Albert Balagso, dated June 6, 2002, recommending approval of said resolution. (2) Public Hearing Notice dated May 30, 2002, and Proof of Publication dated June 5 and 12, 2002, submitted by the City Clerk.

Discussion/Action: Upon motion by Council Member Williams, seconded by Council Member Chavez, and unanimously carried, Resolution No. 71120, entitled: "A Resolution of the Council of the City of San José Setting Forth Revisions to the Schedule of In-Lieu Fees Charged and Credits Issued and Adding Certain Non-Active Elements to be Allowed to be Credited for Parkland Dedication Purposes, Pursuant to Chapters 14.25 and 19.38 of the San Jose Municipal Code", was adopted. Vote: 10-0-1-0. Absent: Diquisto.

4.9 PUBLIC HEARING and adoption of a resolution approving the vacation of a 2,643 square foot portion of Kentucky Place. CEQA: Negative Declaration, PD 00-12-129. Council District 5. SNI: Mayfair. (Public Works)

Documents filed: Memorandum from Director of Public Works Katy Allen, dated June 3, 2002, recommending a public hearing and adoption of said resolution.

4.9 (Cont'd.)

Discussion/Action: Upon motion by Council Member Campos, seconded by Council Member Chavez, and unanimously carried, Resolution No. 71121, entitled: "A Resolution of the Council of the City of San José Vacating a Portion of Kentucky Place and Reserving a Public Service Easement", was adopted. Vote: 10-0-1-0. Absent: Diquisto.

- 4.10 (a) **Adoption of a resolution authorizing the City Manager to negotiate and execute a continuation agreement with Gordon H Chong & Partners for architectural services for the Civic Center Parking Facility Project, extending the term of the agreement from December 31, 2001 to June 30, 2005, and increasing compensation by \$1,410,000, from \$310,000 to a total agreement amount not to exceed \$1,720,000. CEQA: Resolution No. 68905. Council District 3. SNI: University. (Public Works)**
- (b) **Adoption of a resolution authorizing the City Manager to award the contract for the San Jose Civic Center Shoring and Mass Excavation Project to the low bidder, RGW Construction, Inc., in an amount of \$5,696,110, and approval of a contingency in an amount of \$300,000. Council District 3. SNI Area: University. CEQA: Resolution No. 68905, PP98-03-072. (Public Works)**
- (Deferred from 6/18/02, Item 4.4)**
(Renumbered from Item 4.12)

Documents filed: (1) Memorandum from Director of Public Works Katy Allen, dated June 3, 2002, recommending adoption of said resolution authorizing the City Manager to negotiate and execute a continuation agreement with Gordon H Chong & Partners for architectural services for the Civic Center Parking Facility Project. (2) Memorandum from Director of Public Works Katy Allen, dated June 21, 2002, recommending adoption of a resolution authorizing the City Manager to award the contract, with related contingency, for the San Jose Civic Center Shoring and Mass Evacuation Project to low bidder, RGW Construction, Inc.

Discussion/Action: Upon motion by Vice Mayor Shirakawa, Jr., seconded by Council Member Chavez, and unanimously carried, Resolution No. 71122, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Continuation Agreement with Gordon H. Chong & Partners for the Civic Center Parking Facility Project, Extending the Term through June 30, 2005 and Increasing Compensation by \$1,410,000 to a Total Amount Not to Exceed \$1,720,000", Resolution No. 71123, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Award a Construction Contract for the Civic Center Shoring and Mass Excavation Project to the Low Bidder, RGW Construction, Inc., in an Amount No To Exceed \$5,696,110, and Approval of a Contingency in the Amount of \$300,000", was adopted. Vote: 10-0-1-0. Absent: Diquisto.

- 4.11 (a) Report on bids and adoption of a resolution authorizing the City Manager to award the contract for the base bid for the Rincon Storm System Improvements Phase II Project to the lowest responsive bidder, Anderson Pacific Engineering Construction, Inc., in an amount of \$20,646,296, and approval of a contingency in an amount of \$1,733,000.**
- (b) Adoption of the following amendments to the 2001-2002 Appropriation Ordinance and Funding Sources Resolution in the Services for Redevelopment Capital Projects Fund.**
- (1) Increase the appropriation to the Department of Public Works for the North San Jose Rincon Storm System Improvements -- Phase II Project by \$23,138,000.**
- (2) Increase the estimate for Earned Revenue by \$23,138,000.**
- (c) Adoption of a resolution making certain determinations regarding the related expenditure of the Redevelopment Agency funds on certain public improvements in connection with the North San Jose Rincon Storm System Improvements - Phase II Project, as more specifically described in the memorandum from the Redevelopment Agency, dated June 6, 2002, attached hereto.**

CEQA: EIR, PP00-10-149. Council District: 4. (Public Works/City Manager's Office)

Documents filed: None.

Discussion/Action: This item was deferred to August 6, 2002.

- 4.12 Adoption of a resolution authorizing the City Manager to award the San José Civic Center Shoring and Mass Excavation Project to the lowest responsive bidder, and approval of a ten percent contingency. CEQA: Resolution No. 68905. Council District 3. SNI: University. (Public Works)**
(Deferred from 6/18/02 – Item 4.4)

Documents filed: Memorandum from Director of Public Works Katy Allen, dated May 28, 2002, recommending award of said contract, with related contingency, to the low bidder.

Discussion/Action: This Item was dropped and action taken as Item 4.10(b).

- 4.13 Adoption of a resolution regarding the financing of the 100-unit Roberts Avenue Family Apartments, a new construction development affordable to very low- and low-income households, located at the northwest corner of Lucretia Avenue and Vintage Way (“Development”) to:**
- (a) Express the City’s intent to issue up to \$14,000,000 in multifamily tax-exempt revenue bonds to finance the acquisition, construction, and permanent financing of the Development;**

(Item continued on next page)

4.13 (Cont'd.)

- (b) Authorize the Director of Housing to file an application with the California Debt Limit Allocation Committee (CDLAC) for an allocation of up to \$14,000,000 in private activity bonds;**
- (c) Authorize the Director of Housing to negotiate and execute a Deposit and Escrow Agreement with Community Home Builders & Associates (CHBA), or its affiliate, for the CDLAC application for the Development; and,**
- (d) Approve business terms for a construction loan of up to \$7,548,482, and a permanent loan of up to \$5,800,000 to CHBA, or its affiliate, for the Development.**

**Council District 7. SNI: Tully/Senter. CEQA: Negative Declaration,
PDC-SH-00-10-103. (Housing)
(Rules Committee referral 6/19/02)**

Documents filed: Memorandum from Director of Housing Leslye Corsiglia and Director of Finance Scott P. Johnson, dated June 19, 2002, recommending adoption of said resolution regarding the financing of the 100-unit Teacher Apartments.

Discussion/Action: Upon motion by Vice Mayor Shirakawa, Jr., seconded by Council Member Chavez, and unanimously carried, Resolution No. 71124, entitled: "A Resolution of the Council of the City of San José Expressing its Intent to Issue Tax Exempt Debt for the Acquisition, Construction and Development of Multifamily Housing and Taking Related Actions (The Roberts Avenue Teacher Apartments Project)", and Resolution No. 71125, entitled: "A Resolution of the Council of the City of San José (i) Approving Business Terms for a Construction Loan of Up to \$7,548,482 and a Permanent Loan of Up to \$5,800,000 to Community Home Builders and Associates, or its Affiliate, for Development of a 100-Unit New Construction Development Affordable to Very Low, and Low-Income Households, Located at the Northwest Corner of Lucretia Avenue and Vintage Way in San Jose", were adopted. Vote: 10-0-1-0. Absent: Diquisto.

- 4.14**
- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Novell, Inc. a Delaware Corporation for the purchase of a parcel of land on Orchard Parkway (formerly O'Nel Drive) at Charcot Avenue (formerly Guadalupe Parkway) in the amount of \$30,000,000, and authorizing the City Manager to execute the necessary documents to complete the transaction.**
 - (b) Adoption of the following appropriation ordinance amendments in the General Fund:**
 - (1) Establish an appropriation in City-Wide to the Office of the City Manager in the amount of \$300,000 for Novell Property Deposit.**
 - (2) Reduce General fund Contingency Reserve by \$300,000.**
 - (c) Direction to City staff to proceed with the development of the bond financing documents for the issuance of lease revenue bonds to finance the acquisition of the Property.**

(Item continued on next page)

4.14 (Cont'd.)

- (d) **Adoption of a resolution of the City of San José Financing Authority stating its intent to issue tax-exempt debt to finance the acquisition of a parcel of land on Orchard Parkway at Charcot Avenue to the extent that the issuance of tax-exempt debt is feasible.**

**CEQA: Exempt, PP02-06-148. (City Manager's Office)
(Rules Committee referral 6/19/02)**

Documents filed: None.

Discussion/Action: Items 4.14(a) through (d) were dropped, and action taken as Item 4 on the San José Financing Authority agenda.

RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – June 17, 2002 Council Member Chavez, Chair

Documents Filed: Education Neighborhoods, Youth, and Seniors Committee Report for June 17, 2002.

- (a) Youth Commission. Attachment: Memorandum from San José San José Youth Commission dated June 5, 2002, transmitting May Youth Commission Report.

The Committee accepted the staff report with the following directive to staff:

- A budget report, along with strategies for raising monies for the "BAY Under a Groove" event is sent to Council Members as soon as possible.

- (b) Skate Park Update. Attachment: Memorandum from Acting Director of Parks, Recreation and Neighborhood Services Albert Balagso, dated June 5, 2002, transmitting June Skate Park Update.

The Committee accepted the staff report with the following directives to staff:

- The cost comparative study and the City's projected costs are sent to the ENYS Committee prior to the August ENYS Committee meeting.
- Include in the monthly Skate Park report a matrix tracking the progress of the skate parks approved by Council offices.
- The August report include a process to pre-qualify skate park designers to establish a pool of approximately ten (10).

- (c) Update Report from the Airport Ombudsman and Noise Monitoring Center. Attachment: Memorandum from airport Ombudsman Cathy Gaskell, dated June 5, 2002, transmitting Update report.

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – June 17, 2002 (Cont'd.)

Council Member Chavez, Chair

- (c) Update Report from the Airport Ombudsman and Noise Monitoring Center (Cont'd.)

The Committee accepted the staff report with the following directives to staff:

- The August ENYS Committee Report include more detailed information on what airlines are cooperating and which are not in providing steps to prevent future curfew violations.
- Research changing published flight times to actual curfew times for the airport, i.e., 6:20 a.m. departure to 6:30 a.m.
- The August ENYS Committee Report include a list of which air cargo companies have signed the curfew agreement and which have not. Also, strategies to encourage them to do so.

- (d) Aging Services Master Plan. Attachment: Memorandum from Acting Director of Parks, Recreation and Neighborhood Services Albert Balagso, dated June 5, 2002 transmitting Aging Services Master Plan update.

The Committee accepted the staff report with the following directives to staff:

- A work plan for the Seniors Master Plan come back to the Committee, along with the scope of service.
- A brief report of bench marks used to determine what makes a center “intergenerational”.
- RFQ for consulting services be brought to the Committee prior to it being finalized.

- (e) Status Report on Citywide Trail Projects. Attachment: Memorandum from Acting Director of Parks, Recreation and Neighborhood Services Albert Balagso, dated June 6, 2002 transmitting June bi-monthly report on the status of trail project.

The Committee accepted the staff report with the following directives to staff:

- Prepare a grid/chart showing: here is the money awarded; here is what it was awarded for; here is the length the money is alive; here are what the requirements for the money are, including the years they can be drawn down on. Chart should be included in report to the ENYS Committee in August.
- Bring a draft of the assessment on rangers requested in the June Budget Message to the ENYS Committee in October, prior to going to full Council.

- (f) Status Report on Pick-Up San José. Attachment: Memorandum from Deputy City Manager Jim Holgersson dated June 5, 2002 transmitting Status Report on Pick-Up San José.

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – June 17, 2002 (Cont'd.)

Council Member Chavez, Chair

(f) Status Report on Pick-Up San José. (Cont'd.)

The Committee accepted the staff report with the following directives to staff:

- Return to the October ENYS meeting with:
 - ✓ An infrastructure for the volunteer program, i.e., call in program or type of communication strategy.
 - ✓ Strategies on ways to encourage haulers to cover their trucks in route to landfills.
 - ✓ Return to the October ENYS meeting with a strategy on how to coordinate Adopt-a-Park, Adopt-a-Street, Anti-Graffiti and Anti-Litter programs
- Removal of airport weeds.
- Litter Tool kits to include material for broken glass removal.
- Billboard advertisement is free or preferably not used.

(g) Status Report on Anti-Graffiti Efforts Regarding Garbage and Recycling Containers. Attachment: Memorandum from Director of Environmental Services, Carl W. Mosher, dated June 5, 2002 transmitting report on Anti-Graffiti Efforts.

The Committee accepted the staff report with the following directives to staff:

- Return to the September ENYS Committee with a report on the trials using solvents/paints for graffiti removal.
- Staff to work with the Attorney's office on steps to change the language in the franchise haulers' contracts to include, "the haulers are ultimately responsible for graffiti removal on bins and multi-family carts".

(h) Oral petitions - None.

(i) Adjournment - The meeting adjourned at 3:35 p.m.

Discussion/Action: Upon motion by Council Member Chavez, seconded by Vice Mayor Shirakawa, Jr., and unanimously carried, the Education, Neighborhoods, Youth, and Seniors Committee report and actions of June 17, 2002, were accepted. Vote: 10-0-1-0. Absent: Diquisto.

5.2 (a) Approval of Arts Commission recommendation, subject to approval of the FY 2002-2003 Operating Budget, to allocate funds to the Office of Cultural Affairs for FY 2002-2003 arts and cultural programs, projects, grants, and activities as detailed in Attachment A of the staff report, in a total amount not to exceed \$5,072,538;

(Item continued on next page)

5.2 (Cont'd.)

(b) Adoption of a resolution authorizing the City Manager to negotiate and execute FY 2002-2003 grant agreements as follows:

- (1) Festival, Parade and Celebration Grant Agreements with 35 organizations for 42 events as detailed in Attachment B of the staff report, in a total amount not to exceed \$462,796; and,**
- (2) Arts Grant Agreements with 53 organizations as detailed in Attachment C of the staff report, in a total amount not to exceed \$3,192,405.**

CEQA: Not a project. (Conventions, Arts and Entertainment)

Resolution No. 71126 adopted.

Documents filed: Memorandum from Director of Conventions, Arts and Entertainment, Nancy Johnson, dated June 3, 2002, recommending approval of Arts Commission recommendation, and adoption of a resolution authorizing the City Manager to negotiate and execute FY 2002-2003 grant agreements.

Discussion/Action: Upon motion by Council Member Williams, seconded by Council Member Chavez, and unanimously carried, the recommendation of the Arts Commission, subject to approval of the FY 2002-2003 Operating budget, to allocate said funds to the Office of Cultural Affairs for FY 2002-2003 arts and cultural programs, projects, grants, and activities as detailed in Attachment A of the staff report, was approved, and Resolution No. 71126, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute the 2002-2003 Festival, Parade, and Celebration Grant Agreements and Arts Grant Agreements", was adopted. Vote: 10-0-1-0. Absent: Diquisto.

- 5.3 (a) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the City of Milpitas to provide the City of Milpitas with animal control services from the City of San José Animal Care and Services Division of the Parks, Recreation and Neighborhood Services Department, in the amount of \$338,174.**
- (b) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the Humane Society of Santa Clara Valley and the City of San José for the Humane Society to provide the City specific animal shelter services for the period July 2, 2002 through December 31, 2003, at a cost not to exceed \$3,255,875.**

CEQA: Not a project. (Parks, Recreation and Neighborhood Services)

Documents filed: Memorandum from Acting Director of Parks, Recreation and Neighborhood Services, Albert Balagso, dated June 3, 2002, recommending adoption of said resolution.

5.3 (Cont'd.)

Discussion/Action: Upon motion by Vice Mayor Shirakawa, Jr., seconded by Council Member Chavez, and unanimously carried, Resolution No. 71127, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with the City of Milpitas to Provide Animal Control Services to the City of Milpitas for the Period of July 1, 2001 through June 30, 2003, with a Total Amount of \$338,174 to be Paid to the City of San José", and Resolution No. 71128, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with the Humane Society of Santa Clara Valley for Animal Shelter Services for the Period of July 1, 2002 through December 31, 2003, at a Total Cost Not To Exceed \$3,255,875", were adopted. Vote: 10-0-1-0. Absent: Diquisto.

5.4 Adoption of a resolution:

- (a) **Authorizing the City Manager to negotiate and execute agreements for the Department of Parks, Recreation and Neighborhood Services programs consistent with and subject to approval of the amounts budgeted for these programs in the adopted budget for FY 2002-2003, as outlined in the attachment of the staff report;**
- (b) **To accept grant funds from the County of Santa Clara for provision of mental health services and senior nutrition programs, in the amounts consistent with budgeted amounts, and on terms and conditions determined reasonable by the City Manager; and,**
- (c) **Authorizing the City Manager to enter into a three-month extension agreement into FY 2003-2004, and to accept grant funds for that period in amounts consistent with budgeted amounts, until a new agreement for 2003-2004 is finalized with the County of Santa Clara.**

CEQA: Not a project. (Parks, Recreation and Neighborhood Services)

Documents filed: Memorandum from Acting Director of Parks, Recreation and Neighborhood Services, Albert Balagso, dated June 3, 2002, recommending adoption of said resolution.

Discussion/Action: Upon motion by Vice Mayor Shirakawa, Jr., seconded by Council Member Chavez, and unanimously carried, Resolution No. 71129, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Various Agreements and to Accept Grant Funds for Parks, Recreation and Neighborhood Services Programs Consistent with the Amounts Budgeted for these Programs in the Adopted Budget for Fiscal Year 2002-2003", was adopted. Vote: 10-0-1-0. Absent: Diquisto.

- 5.5 (a) **Report on bids and adoption of a resolution authorizing the City Manager to award the contract for the San José McEnery Convention Center Sound Reinforcement System Project to the low bidder, Audio Associates, for the base bid and Add Alternates Nos. 1 through 9 in the amount of \$1,207,423, and approval of a contingency in the amount of \$121,000. CEQA: Exempt, PP01-08-159. (Public Works)**
- (b) **Adoption of amendments to the FY 2002-2003 funding sources resolution and FY 2002-2003 appropriation ordinance to increase the appropriation by \$600,000 in the Services for Redevelopment Capital Projects Fund for the San José McEnery Convention Center Sound Reinforcement System Project. (Public Works/City Manager's Office)**

Documents filed: Memorandum from Director of Public Works Katy Allen, dated June 3, 2002, recommending the award of said contract, with related contingency, to the low bidder, Audio Associates.

Discussion/Action: Upon motion by Vice Mayor Shirakawa, Jr., seconded by Council Member Chavez, and unanimously carried, Item 5.5(b) was dropped and action taken under Item 2.67, and Resolution No. 71130, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Award a Construction Contract for the San Jose McEnery Convention Center Sound Reinforcement System Project to the Low Bidder, Audio Associates, in the Amount of \$1,207,423, and Approval of a Contingency in the Amount of \$121,000", was adopted. Vote: 10-0-1-0. Absent: Diquisto.

- 5.6 **Acceptance of the Bay Trail Master Plan. CEQA: Mitigated Negative Declaration, PP01-08-150 and Addendum to Negative Declaration, PP02-05-116. (Parks, Recreation and Neighborhood Services)**
(Deferred from 6/18/02 – Item 5.2)

Documents filed: (1) Memorandum from Council Member Reed dated June 25, 2002, recommending approval of the proposed Bay Trail Master Plan as recommended by Staff with the following changes: (a) In Reach 9, delete the designation of referred alternative and designate the route recommended in the Pre-Final Master Plan as the "Preferred Alternative" to "Alternative A"; (b) Add a section to the Setting discussion of Reach 9 as follows: "Three alternate routes were considered to Reach 9 because of the presence of significant constraints that may make one or more of the routes infeasible or undesirable. Those constraints include the cost and environmental impacts of bridging the Guadalupe Slough, the costs and difficulties of crossing the Union Pacific Railroad tracks, and a strong preference to keep the trail along the shoreline and avoid having the trail go along city streets"; and (c) Modify the Description of Route discussion of Reach 9 so that the first two sentences of the fourth paragraph read: "Alternative A has the fewest environmental impacts; however, its Gold Street right-of-way location would detract from the 'Bay Trail experience' and it would require obtaining permission for a public crossing of the Union Pacific Railroad tracks. Alternative B has the best 'Bay Trail experience'; however, it requires the construction of a new pedestrian/bicycle bridge over

5.6 (Cont'd.)

the Guadalupe Slough with potentially significant impacts associated with the bridge construction"; and (d) Revise the maps and the remaining extension to be consistent with the above changes. (2) Memorandum from Acting Director of Parks, Recreation and Neighborhood Services, Albert Balagso, dated May 28, 2002 transmitting the Bay Trail Master Plan and recommending approval of said plan.

Discussion/Action: Council Member Reed recommended modifying the Staff report to reflect no decision yet on which of three proposed routes is acceptable in Alviso. Upon motion by Council Member Yeager, seconded by Council Member Reed, and unanimously carried, the memorandum from Council Member Reed dated June 25, 2002, recommending approval of the Bay Trail Master Plan as recommended by Staff was approved, with the changes and direction to Staff as contained in Council Member Reed's memo dated June 25, 2002 and referenced above. Vote: 10-0-1-0. Absent: Diquisto.

TRANSPORTATION SERVICES

6.1 Approval of the report from the San José Taxicab Advisory Team ("Team") and:

- (a) Direction to the City Manager and San José Redevelopment Agency Director to work with the Team to identify the funding needed to support the marketing and customer evaluation components of their recommendations;
- (b) Direction to the Chief of Police to approve the proposed pilot temporarily suspending the issuance of permits to additional taxicab companies not licensed as of July 1, 2002; and,
- (c) Amend the Taxicab Rate, Fares and Tariffs Resolution to increase the current per mile rate of \$2.25 per mile (.25 per 1/9 mile) to \$2.50 (.25 per 1/10), amending the flag drop from \$2.00 (including 1/9 mile) to \$2.00 per 1/10 mile), and maintain the same wait time calculation of \$.20/36 secs (\$20 hour).

(City Manager's Office/San José Taxicab Advisory Team)
(Deferred from 6/18/02 – Item 6.4)

Documents filed: None.

Discussion/Action: This Item was deferred to August 6, 2002.

ENVIRONMENTAL & UTILITY SERVICES

7.1 PUBLIC HEARING on Commercial Solid Waste and Recyclables Collection Franchise application of Arcadia Demolition Services dba BWS Recycling, approval of an ordinance granting the franchise, and approval of Commercial Solid Waste and Recyclables Collection Franchise agreement with Arcadia Demolition Services dba BWS Recycling. CEQA: Negative Declaration, PP92-11-308. (Environmental Services)

7.1 (Cont'd.)

Documents filed: (1) Memorandum from Director of Environmental Services, Carl W. Mosher, dated June 3, 2002, recommending approval of an ordinance granting the franchise and approval of a Commercial Solid Waste and Recyclables Collection Franchise Agreement with Arcadia Demolition Services dba BWS Recycling. (2) Public Hearing Notice dated May 31, 2002, and Proof of publication executed on June 12, 2002, submitted by the City Clerk.

Discussion/Action: Ross Signorino spoke on the issue. Ordinance No. 26700, entitled: "An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Arcadia Contractors, Inc. DBA Arcadia Demolition Services and BWS Recycling", was passed for publication. Vote: 10-0-1-0. Absent: Diquisto.

7.2 **Acceptance of the status report on the transition of the Recycle Plus! Program.** **CEQA: Not a project. (Environmental Services)** Approved.

Documents filed: Hard copies of overhead slide presentation given by staff of the status on the transition of the Recycle Plus! Program.

Discussion/Action: Carl Mosher, Director of Environmental Services, provided an overview of the new contract for the Recycle Plus Program, using PowerPoint overhead slides. Council Member Reed requested Staff to provide the date when trucks will begin service on Timothy Drive so he can schedule a good neighbor meeting. Upon motion by Council Member Williams, seconded by Vice Mayor Shirakawa, Jr., and unanimously carried, the verbal report was accepted. Vote: 9-0-2-0. Absent: Chavez, Diquisto.

- 7.3
- (a) **Acceptance of staff's report proposing no changes in Sanitary Sewer Service and Use Charges; (Environmental Services)**
 - (b) **PUBLIC HEARING on proposed FY 2002-2003 Storm Sewer Service and Use Charges and proposed maximums for rate increase in FY 2003-2004 and 2004-05; (Environmental Services)**
 - (c) **Adoption of a resolution approving FY 2002-2003 rates for Sewer Service and Use Charges and Storm Sewer Service Charges; (City Manager's Office/Environmental Services)**
 - (d) **Direction to the Administration to return during FY 2003-2004 and 2004-2005 budget cycles with recommendations for rates in FY 2003-2004 and 2004-2005, consistent with the recommended maximum rates increases for those years; (Environmental Services)**
 - (e) **Adoption of a resolution setting a public hearing on August 6, 2002, at 1:30 p.m. for the Fiscal Year 2002-2003 Annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge Reports of the Director of Finance and direction to the City Clerk to publish notice of the time and place of the hearing. (Finance)**
- CEQA: Not a project.**

7.3 (Cont'd.)

Documents filed: (1) Memorandum from Director of Environmental Services, Carl W. Mosher, dated June 20, 2002, providing a count of the letters of protest received through June 20, 2002 and a summary of the main issues brought up in those letters. (2) Memoranda from Director of Environmental Services, Carl W. Mosher, dated June 3, 2002, recommending: (a) acceptance of report proposing no changes in Sewer Service and Use Charges, (b) hold public hearing on proposed Fiscal Year 2002-03 Storm Sewer Charges and proposed maximums for rate increase in 2003-04 and 2004-05; adopt the rates recommended by staff for Fiscal Year 2002-03; and direct staff to return during the Fiscal Year 2003-04 and 2004-05 budget cycles with recommendations for rate increases in Fiscal Years 2003-04 and 2004-05, consistent with the staff recommended maximum rate increases for those years (3) Memorandum from Director of Finance Scott P. Johnson, dated June 3, 2002, recommending adoption of a resolution setting said public hearing on Tuesday, August 6, 2002.

Discussion/Action: Mayor Gonzales opened the Public Hearing on the proposed FY 2002-2003 Storm Sewer Service and Use Charge and proposed maximums for rate increase in FY 2003-04 and 2004-05 and the following individuals spoke on the issue: Sheldon Blum, Herman Aster and John Urban. City Clerk O'Hearn reported 26 additional written protests from affected parcels, for a total of 521, plus the speakers, which represents less than .25 of the property owners impacted by the rate increase. Council Member Reed indicated that he would not support the motion, as the storm sewer charges do not include any money to deal with a master plan process for drainage in Alviso although the 1998 adopted Master Plan for Alviso called for this type of planning and construction. Council Member Dando, referring to page 5 regarding yard waste customers, indicated that she would not support the motion, as she is concerned there is not more encouragement to use recycle bins for yard waste and that there is additional cost to maintain and service yard waste left in the street. Upon motion by Council Member Yeager, seconded by Council Member Cortese, and carried, the Public Hearing was closed, and the Staff report proposing no changes in Sanitary Sewer Service and Use Charges was accepted, Resolution No. 71131, entitled: "A Resolution of the Council of the City of San José Setting a Schedule of Sewer Service and Use Charges for Fiscal Year 2002-2003 and Setting a Schedule of Storm Sewer Service Charges for Fiscal Year 2002-2003", and Resolution No. 71132, entitled: "A Resolution of the Council of the City of San José Setting a Public Hearing on the Annual Sewer Service and Use Charge and Storm Sewer Service Charge Reports of the Director of Finance Pursuant Sections 15.12.550 and 15.16.1410 of the San Jose Municipal Code", were adopted, and the Administration was directed to return during FY 2003-2004 and 2004-2005 budget cycles with recommendations for rates in FY 2003-2004 and 2004-2005, consistent with the recommended maximum rates increases for those years. Vote: 8-2-1-0. Noes: Dando, Reed. Absent: Diquisto.

- 7.4 Adoption of a resolution authorizing the City Manager to:**
- (a) Negotiate and execute an agreement for the conveyance of certain easements and a license in Water Pollution Control Plant (WPCP) buffer lands to Los Esteros Critical Energy Facility, LLC, upon approval of the agreement by the City Council of the City of Santa Clara and issuance of a license for the proposed Los Esteros Critical Energy Facility by the California Energy Commission; and**
 - (b) Execute documents necessary for the conveyance of a non-exclusive ingress/egress easement, public utility easements, a temporary license agreement for an overhead power line, and an open space easement on and across the WPCP property (Assessor Parcel 015-31-063).**

CEQA: Resolution No. 70844. Council District 2. (Public Works, Environmental Services)

Documents filed: (1) Memorandum from Director of Public Works Katy Allen, and Director of Environmental Services, Carl W. Mosher, dated June 13, 2002, recommending adoption of said resolution authorizing the City Manager to execute an agreement with Los Esteros Critical Energy Facility, LLC. (2) Memorandum from Director of Environmental Services, Carl W. Mosher, dated June 20, 2002, providing supplemental information on the location of the open space.

Discussion/Action: William Garbett spoke on the issue. Upon motion by Council Member Reed, seconded by Council Member Williams, and unanimously carried, Resolution No. 71133, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement for the Conveyance of Certain Easements and a License in Water Pollution Control Plant Buffer Lands to Los Esteros Critical Energy Facility, LLC, and to Execute Documents Necessary for the Conveyance of a Non-Exclusive Access and Utility Easement, Open Space Easement, Underground Public Utility Easement, and a Temporary License Agreement for an Overhead Power Line on and Across the Water Pollution Control Plant Buffer Lands", was adopted. Vote: 9-0-2-0. Absent: Chavez, Diquisto.

- 7.5 Approval of the first amendment to the agreements with Norcal Waste Systems of San José, Inc. and GreenTeam of San José for Integrated Waste Management Services, and to the agreements with Norcal Waste Systems of San José, Inc. and Green Waste Recovery, Inc. for yard trimmings collection and residential street sweeping services, to provide adjustments due to economic, programmatic, and legislative changes for a net incremental cost increase of \$159,700 per year. CEQA: Exempt, PP02-05-125. (Environmental Services)**
(Deferred from 6/11/02 – Item 7.2 and 6/18/02 – Item 7.3)

Documents filed: (1) Memorandum from Director of Environmental Services, Carl W. Mosher, dated May 20, 2002, recommending approval of the first amendment to said agreements with Norcal Waste Systems of San Jose, Inc., and GreenTeam of San Jose. (2) Memorandum from Director of Environmental Services, Carl W. Mosher, dated June 21, 2002, recommending approval of additional changes to the 2002 Recycle Plus Agreements.

7.5 (Cont'd.)

Discussion/Action: Council Member Dando asked about the status of coordination with the County on allowing drop-off of household hazardous waste at their clean-up locations. Director Mosher replied that the City was still in negotiation with the County. Upon motion by Council Member Dando, seconded by Council Member Reed, and unanimously carried, the first amendment to said agreements with Norcal Waste Systems of San José, Inc. and GreenTeam of San José for Integrated Waste Management Services, and to the agreements with Norcal Waste Systems of San José, Inc. and Green Waste Recovery, Inc. for yard trimmings collection and residential street sweeping services, was approved and their execution authorized. Vote: 9-0-2-0. Absent: Chavez, Diquisto.

- 7.6 (a) **Approval of Contract Change Order No. 4 with Elmore Pipe Jacking, Inc., for the Monterey-Riverside Supplement Sanitary Sewer Project in an amount of \$1,850,000, for a total contract amount of \$6,660,766.11, and extending the negotiate and execute contract completion date to February 15, 2003.**

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- (b) **Adoption of the following appropriation ordinance amendments:**

- (1) **In the Sanitary Sewer Connection Fee Fund, increase the Monterey-Riverside Supplement appropriation in the amount of \$600,000, and decrease the Ending Fund Balance in the amount of \$600,000.**
- (2) **In the Sewer Service and Use Charge Capital Improvement Fund, establish the Monterey-Riverside Supplement appropriation in the amount of \$1,250,000, and decrease the Ending Fund Balance in the amount of \$1,250,000.**

Deleted: Sanitary Sewer Project by \$1,850,000.

Deleted: under Fund 540 by

Deleted: Sanitary Sewer Project by \$1,850,000.

Deleted: under Fund 540 by

**CEQA: Exempt, PP 00-03-035. (Public Works)
(Rules Committee referral 6/19/02)**

Deleted: Decrease the Ending Fund Balance under Fund 545 by \$1,250,000.

Documents filed: (1) Memorandum from Council Member Williams dated June 25, 2002, recommending Council approval of CCO#4 with Elmore Pipe Jacking, Inc. for Monterey-Riverside Supplement Sanitary Sewer Project. (2) Memorandum from Director of Public Works Katy Allen and Budget Director Larry D. Lisenbee, dated June 18, 2002, recommending (a) approval of Contract Change Order No. 4 with Elmore Pipe Jacking, Inc., (b) adoption of appropriation ordinance amendments in the Sanitary Sewer Connection Fee Fund, (c) adoption of appropriation ordinance amendments in the Sewer Service and Use Charge Capital Improvement Fund.

Discussion/Action: Upon motion by Council Member Williams, seconded by Council Member Reed, and unanimously carried, Contract Change Order No. 4 with Elmore Pipe Jacking, Inc., for the Monterey-Riverside Supplement Sanitary Sewer Project was approved, and Ordinance No. 26698, entitled: "An Ordinance of the City of San José Amending Ordinance No 26415 to Appropriate Monies in the Sanitary Sewer Connection Fee Fund and the Sewer Service and Use Charge Capital Improvement Fund for the Monterey-Riverside Supplement Sanitary Sewer Project; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption", was adopted. Vote: 9-0-2-0. Absent: Chavez, Diquisto.

AVIATION SERVICES

- 8.1 Adoption of a resolution authorizing the City Manager to negotiate and execute a fourth amendment to the agreement for Airport Bus Service with the Santa Clara Valley Transportation Authority (VTA), extending the term of the agreement from July 1, 2002 to June 30, 2003, in an amount not to exceed \$1,500,000. CEQA: Resolution No. 67380, PP#02-05-110. (Airport)**

Documents filed: Memorandum from Aviation Director Ralph G. Tonseth, dated June 3, 2002, recommending approval of said resolution.

Discussion/Action: Upon motion by Council Member Williams, seconded by Council Member Reed, and unanimously carried, Resolution No. 71134, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Fourth Amendment to the Agreement with the Santa Clara Valley Transportation Authority Extending the Term to June 30, 2003 and Increasing the Hourly Rate for a Maximum Annual Amount Not To Exceed \$1,500,000", was adopted. Vote: 9-0-2-0. Absent: Chavez, Diquisto.

- 8.2 (a) Report on bids and award of contract for the design and construction of the Compressed Natural Gas (CNG) Fueling Station at Norman Y. Mineta San José International Airport to the Pinnacle CNG Company, in an amount of \$2,677,717, and approval of a contingency of \$267,000. CEQA: Resolution No. 67380, PP 02-04-066.**
- (b) Adoption of a resolution authorizing the City Manager to negotiate and execute an Operation, Management and Maintenance Agreement for the CNG Fueling Station with the Pinnacle CNG Company for a term not to exceed one year and in an amount not to exceed \$176,887, and authorizing the City Manager to exercise up to four additional one-year options in the amounts bid by Pinnacle, subject to appropriations for each option year.**

(Public Works)

Documents filed: Memoranda from Director of Public Works Katy Allen, dated June 3 and 20, 2002, recommending award of said contract, with related contingency, to the low bidder, Pinnacle CNG Company.

Discussion/Action: Upon motion by Council Member Williams, seconded by Council Member Reed, and unanimously carried, the award of said contract, with related contingency, to the Pinnacle CNG Company was approved and Resolution No. 71135, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Operation, Management and Maintenance Agreement with Pinnacle CNG Company for the CNG Fueling Station at Norman Y. Mineta San Jose International Airport for a Term Not To Exceed One Year in an Amount Not To Exceed \$176,887, and to Exercise up to Four Additional One-Year Options to Renew the Agreement in the Amounts Bid by Pinnacle Subject to Appropriation of Funds for Each Option Year", was adopted. Vote: 9-0-2-0. Absent: Chavez, Diquisto.

8.3 Report on bids and award of contract for the Norman Y. Mineta San José International Airport: Airport Boulevard - Terminal Drive Improvements Project to the lowest responsive bidder, Granite Construction, Inc., in an amount of \$3,214,945, and approval of a contingency in an amount of \$321,000. CEQA: Resolution No. 67380, PP 02-03-051. (Public Works)

Documents filed: Memoranda from Director of Public Works Katy Allen, dated June 3 and 20, 2002, recommending award of said contract, with related contingency, to the low bidder, Granite Construction, Inc.

Discussion/Action: Upon motion by Council Member Williams, seconded by Council Member Reed, and unanimously carried, the award of said contract, with related contingency, to the lowest responsive bidder, Granite Construction, Inc., was approved and its execution authorized. Vote: 9-0-2-0. Absent: Chavez, Diquisto.

8.4 Report on bids and award of contract for the Airport Advanced Transportation Management System Project to the low bidder, Manuel Bros., Inc., in the amount of \$1,135,234, and approval of a contingency in an amount of \$113,000. CEQA: Exempt, PP00-02-026. (Public Works)

Documents filed: Memorandum from Director of Public Works Katy Allen, dated June 3, 2002, recommending award of said contract, with related contingency, to the low bidder, Manuel Bros., Inc.

Discussion/Action: Upon motion by Council Member Reed, seconded by Council Member Yeager, and unanimously carried, the award of said contract, with related contingency, to the low bidder, Manuel Bros., Inc. was approved and its execution authorized. Vote: 9-0-2-0. Absent: Chavez, Diquisto.

8.5 Approval of a third amendment to the Airport Food and Beverage Concession Agreement with Host International (“Host”), Inc., to:

- (a) Reimburse Host for the cost of constructing certain improvements to correct unanticipated structural defects and to bring several of the concession spaces into compliance with the fire requirements of the Uniform Building Code, increasing the already-approved total reimbursement of \$250,000 for concession improvements constructed by Host by \$139,400, for a total not to exceed reimbursement amount of \$389,400; and
- (b) Add two new concession locations to the agreement, which will serve the upcoming Interim Federal Inspection Service Facility (“FIS”), with expected additional annual revenue to the City of \$60,000; and
- (c) Authorize reimbursement to Host for utility stub-outs and “vanilla shell” construction for the new FIS locations, in an amount not to exceed \$230,000; and

(Item continued to next page)

8.5 (Cont'd.)

- (d) **Temporarily modify the rent structure for one of the new FIS locations by authorizing an initial rent of 8% of gross revenues per month, to increase to 12% of gross revenues once Host's total gross revenues in Terminal A achieve a threshold of \$11,500,000 in any 12-month period.**

CEQA: Resolution No. 67380. (Airport)

(Deferred from 6/4/02 – Item 8.2 et al., and 6/18/02 – Item 8.1)

Documents filed: Memorandum from Aviation Director Ralph G. Tonseth, dated May 13, 2002, recommending approval of third amendment to said agreement with Host International ("Host"), Inc.

Discussion/Action: Council Member LeZotte stated that she had not received a response from Staff to Council's memo of June regarding recycling requirements for the concessionaire. Director of Aviation Ralph Tonseth responded that a response had been sent to Council and that recycling efforts at the Airport were above standard. Upon motion by Vice Mayor Shirakawa, Jr., seconded by Council Member Yeager, and unanimously carried, the third amendment to said agreement with Host International ("Host"), Inc., was approved and its execution authorized. Vote: 9-0-2-0. Absent: Chavez, Diquisto.

JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board convened at 3:30 P.M. to consider Item 10.1(b) & (c) in a Joint Session.

- 10.1 (a) Adoption of a resolution by the City Council approving responses to written objections from property owners and/or taxing entities to the adoption of the Fifteenth Amended Century Center Redevelopment Plan and the merger of the Fifteenth Amended Century Center Redevelopment Plan into the San José Merged Area Redevelopment Plan, and direction to staff to transmit the responses to the objecting property owners and/or taxing entities.**
- (b) Adoption of a resolution by the City Council approving responses to written objections from property owners and/or taxing entities to the adoption of the Strong Neighborhoods Initiative Redevelopment Plan and the merger of the Strong Neighborhoods Initiative Redevelopment Plan into the San José Merged Area Redevelopment Plan, and direction to staff to transmit the responses to the objecting property owners and/or taxing entities.**
- (c) Acceptance by the City Council and Agency Board of disclosure of property interests by those reporting and direction that the disclosures be entered into the public minutes of the meeting.**

(Redevelopment Agency)

(Orders of the Day)

10.1 (Cont'd.)

Documents filed: Memorandum from Redevelopment Agency Executive Director Susan F. Shick, dated June 25, 2002, recommending (a) City Council defer action on adoption of the Fifteenth Amended Century Center Redevelopment Plan and the merger of the Fifteenth Amended Century Center Redevelopment Plan into the San José Merged Area Redevelopment Plan to August 6, 2002, in order to prepare responses to the written objections received from property owners; (b) Approving responses to written objections from property owners and/or taxing entities to the adoption of the Strong Neighborhoods Initiative (SNI) and related actions, and direct Staff to transmit the responses; (c) Accept the disclosure of property interests by those reporting and direct that the disclosure be entered into the public minutes of the meeting.

Discussion/Action: William Garbett spoke on the issues. Upon motion by Council Member Chavez, seconded by Vice Mayor Shirakawa, Jr., and carried, Item 10.1(a) was deferred to August 6, 2002, Resolution No. 71136, entitled: "A Resolution of the Council of the City of San José Approving Responses to Written Objections from Property Owners and/or Taxing Entities to the Adoption of the Strong Neighborhoods Initiative Redevelopment Plan and the Merger of the SNI Plan into the San José Merged Area Redevelopment Plan; and Direction to Staff to Transmit the Responses to the Objecting Property Owners and/or Taxing Entities", was adopted, and the disclosure of property interests by those reporting and direction that the disclosures be entered into the public minutes of the meeting, was accepted. Vote: 7-1-3-0. Noes: Reed. Absent: Dando, Diquisto, Yeager.

The Redevelopment Agency Board adjourned at 3:33 P.M.

2.2 Final adoption of ordinances:

- (e) **ORD. NO. 26662** – **Adopts the Strong Neighborhoods Initiative Redevelopment Plan and makes certain findings.**
[This item heard immediately following Item 10.1(b) and (c)].

Documents filed: Proof of publication of title of Ordinance No. 26662, executed June 18, 2002, submitted by the City Clerk.

Discussion/Action: William Garbett spoke on the issues. Upon motion by Vice Mayor Shirakawa, Jr., seconded by Council Member Chavez, and carried, Ordinance No. 26662 was adopted. Vote: 9-1-1-0. Noes: Reed. Absent: Diquisto.

2.2 Final adoption of ordinances:

- (f) **ORD. NO. 26663** - **Amends the Julian-Stockton Redevelopment Plan, the Olinder Redevelopment Plan, the San Antonio Plaza Redevelopment Plan, the Rincon de Los Esteros Redevelopment Plan, the Pueblo Uno Redevelopment Plan, the Edenvale Redevelopment Plan, the Guadalupe-**

(Item continued on next page)

2.2 Final adoption of ordinances:
(f) (Cont'd.)

Auzerais Redevelopment Plan, the Market Gateway Redevelopment Plan, the Century Center Redevelopment Plan, the Alum Rock Avenue Redevelopment Plan, the East Santa Clara Street Redevelopment Plan, the Almaden Gateway Redevelopment Plan, the Story Road Redevelopment Plan, The Alameda Redevelopment Plan, the West San Carlos Street Redevelopment Plan, the Japantown Redevelopment Plan, the Monterey Corridor Redevelopment Plan, the Park Center Redevelopment Plan, the Civic Plaza Redevelopment Plan, the Neighborhood Business Clusters Redevelopment Plan, and the Strong Neighborhoods Initiative Redevelopment Plan to effect the merger of said Redevelopment project areas, and makes certain findings.

[This item heard immediately following Item 10.1(b) and (c)].

Documents filed: Proof of publication of title of Ordinance No. 26663, executed June 18, 2002, submitted by the City Clerk.

Discussion/Action: William Garbett spoke on the issues. Upon motion by Vice Mayor Shirakawa, Jr., seconded by Council Member Chavez, and carried, Ordinance No. 26663 was adopted. Vote: 9-1-1-0. Noes: Reed. Absent: Diquisto.

NOTICE OF CITY ENGINEER'S PENDING DECISION ON FINAL MAPS

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9336	SW corner of Murillo Ave and Voltaire St.	8	Shapell Industries	81 lots	SFDR	Approve
9289	E/s Snell Avenue, S/o Capitol Expwy	10	Arcadia Development	1 lot	Multi-Family	Approve
9416	S/s Madden Ave, 700 ft., E/o N Jackson Ave	5	Madden Village, LLC	32 Units	SF Attached	Approve

OPEN FORUM

Steve Cohen discussed his concerns regarding the homeless ordinance.

ADJOURNMENT

The Council of the City of San Jose adjourned at 5:00 P.M. to a Joint Redevelopment Agency/Council meeting at 7:05 P.M. to hear Item 7.1.

RON GONZALES, MAYOR

ATTEST:

**PATRICIA L. O'HEARN
CITY CLERK**

dc/mp-6-25-02